

NAVAL WAR COLLEGE

INTERNATIONAL LAW DOCUMENTS



CONFERENCE ON THE
LIMITATION OF ARMAMENT

WITH NOTES
AND INDEX

1921



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PREFACE.

The joint resolution terminating the state of war between the United States and Austria and the United States and Germany was not signed till July 2, 1921.

This joint resolution was embodied in treaties of peace signed August 24 and 25, 1921, respectively. During the early part of the year 1921 the discussion upon international law at the Naval War College gave attention to relations based upon the technical state of war then existing.

The problems of the Conference on Limitation of Armaments, to which President Harding invited Great Britain, France, Italy, and Japan, on August 11, 1921, were also discussed. This Conference met on November 12, 1921, and adjourned on February 6, 1922.

It seems desirable that the results of the Conference on Limitation of Armament, so far as they relate most directly to the Navy, should be easily available to naval officers. Accordingly, the Proposal of the United States for Limitation of Naval Armament, the Minutes of the Committee on Limitation of Armament, and the Treaties and Resolutions of the Conference, with some additional material, is here brought together.

The discussions upon international law at the Naval War College have been conducted by George Grafton Wilson, LL. D., professor of international law in Harvard University, and one of the legal advisers at the Conference on Limitation of Armament.

This volume of the Naval War College Publications has been delayed in order that the work of the Conference on Limitation of Armament might be presented.

C. S. WILLIAMS,
Rear Admiral, U. S. Navy,
President Naval War College, Newport, R. I.

NOVEMBER 20, 1922.

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PRELIMINARY NOTE.

On July 8, 1921, the State Department of the United States inquired informally of Great Britain, France, Italy, and Japan whether they would participate in a conference on limitation of armament. The reply was favorable. Closely related to limitation of armament were the problems of the Pacific and Far East. These matters were also included in the agenda, and for the Pacific and Far Eastern questions the participation of Belgium, China, the Netherlands, and Portugal was also invited.

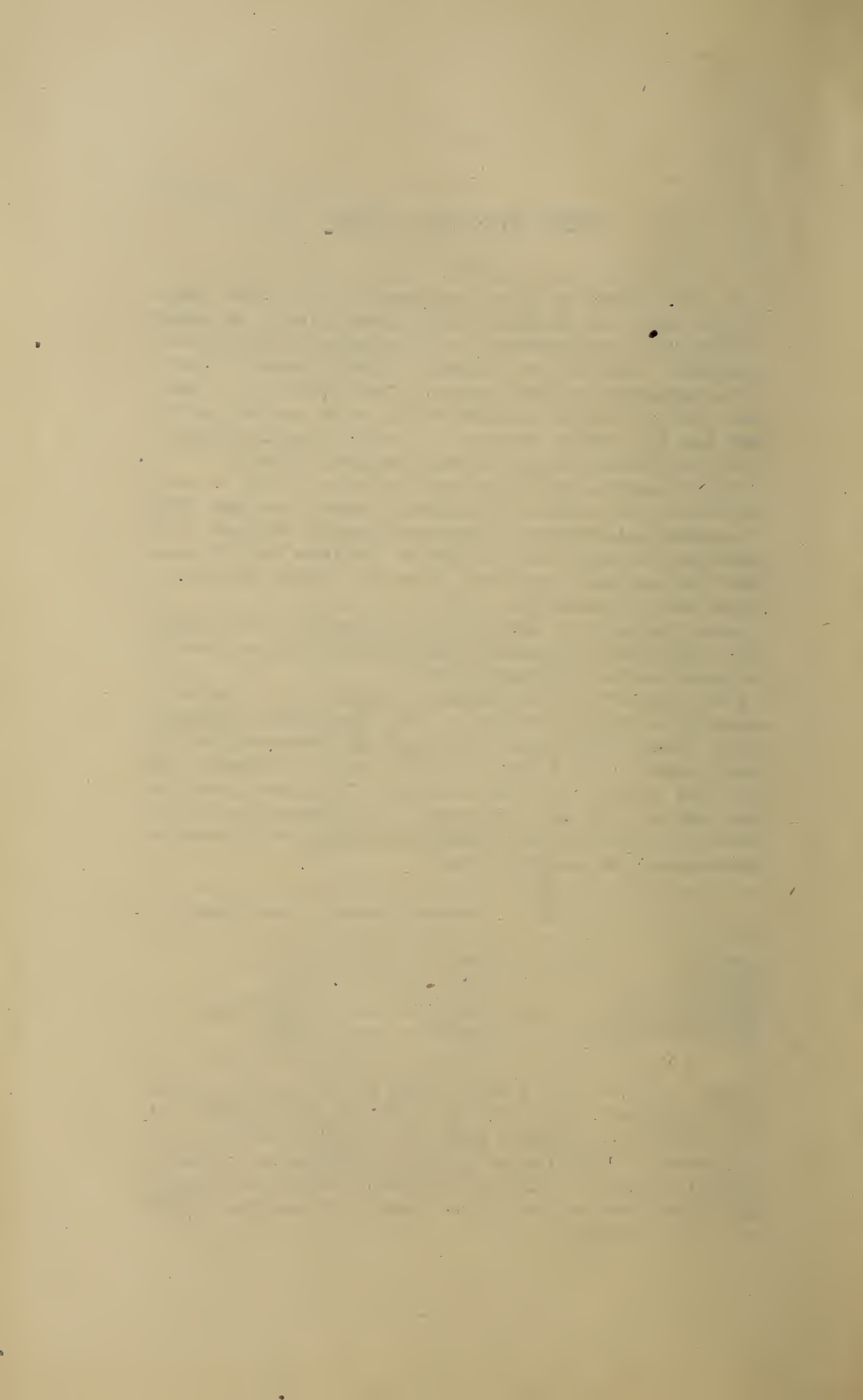
The Conference met in Washington November 12, 1921, and adjourned February 6, 1922. Seven plenary sessions were held. The Committee on Limitation of Armaments held 21 meetings. The Committee on Pacific and Far Eastern Questions held 31 meetings. In addition to the above there were many meetings of special and sub committees.

Seven treaties were signed and 13 resolutions were adopted. The French text of the treaties and resolutions has been printed on pages opposite the English texts.

Full reports of the Conference on Limitation of Armament appeared in Senate Document No. 126, Sixty-seventh Congress, second session, 935 pages. The text of this Document No. 126 is reproduced in the following pages so far as it concerns the limitation of naval armament. The text relating particularly to other matters is omitted. The paging of this volume does not coincide with that of Senate Document No. 126, but the following is approximately the parallel paging:

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Report of delegation.....	257-290.....	792-818; 863-868.
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After this Naval War College volume was in type the Government published a report of the conference with English and French texts upon opposite pages. The title of that report is Conference on Limitation of Armament, Washington, November 12, 1921-February 6, 1922, and that report contains 1,757 pages. That volume does not contain the report of the American delegation to the President.



CONFERENCE ON LIMITATION OF ARMAMENT.

PRESIDENT'S INVITATION TO POWERS.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, AUGUST 11, 1921, TO THE GOVERNMENTS OF GREAT BRITAIN, FRANCE, ITALY, AND JAPAN, TO PARTICIPATE IN A CONFERENCE ON THE LIMITATION OF ARMAMENT.

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these Powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to

principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time; that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of the French Republic to participate in a Conference on the subject of Limitation of Armament in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th day of November, 1921.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, AUGUST 11, 1921, TO THE GOVERNMENT OF CHINA TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS, IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT.

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

It is quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time; that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far

East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of the Republic of China to participate in the discussion of Pacific and Far Eastern questions, in connection with the Conference on the subject of Limitation of Armament, to be held in Washington on the 11th day of November, 1921.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, OCTOBER 4, 1921, TO THE GOVERNMENTS OF BELGIUM, THE NETHERLANDS, AND PORTUGAL, TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT.

Acting under telegraphic instructions from my Government I have the honor to inform Your Excellency that the invitation of the President of the United States to the Governments of France, Great Britain, Italy, and Japan to send representatives to a Conference to be held in the City of Washington on November 11, 1921, on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, has been graciously accepted. The Government of China has also been pleased to accept the President's invitation to participate in the discussion of Pacific and Far Eastern questions.

It is the earnest wish of this Government that with the facilities afforded by a Conference it may be possible to find a solution of Pacific and Far Eastern problems, by a practical effort to reach such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

In view of the interest of Belgium, the Netherlands, and Portugal in the Far East the President desires to invite Your Excellency's Government to participate in the discussion of Pacific and Far Eastern questions at the Conference, and I have the honor to enclose herewith the tentative suggestions as to the agenda of the Conference, relating to Pacific and Far Eastern questions, proposed by the Government of the United States.

AGENDA OF THE CONFERENCE.

LIMITATION OF ARMAMENT.

1. Limitation of naval armament, under which shall be discussed—
 - (a) Basis of limitation.
 - (b) Extent.
 - (c) Fulfillment.
2. Rules for control of new agencies of warfare.
3. Limitation of land armament.

PACIFIC AND FAR EASTERN QUESTIONS.

1. Questions relating to China.
 - (1) Principles to be applied.
 - (2) Application.
 - Subjects: (a) Territorial integrity.
 - (b) Administrative integrity.
 - (c) Open door—equality of commercial and industrial opportunity.
 - (d) Concessions, monopolies, or preferential economic privileges.
 - (e) Development of railways, including plans relating to Chinese Eastern Railway.
 - (f) Preferential railroad rates.
 - (g) Status of existing commitments.
2. Siberia (similar headings).
3. Mandated islands (unless questions earlier settled).
 - Electrical communications in the Pacific.

THE PROPOSAL OF THE UNITED STATES FOR A LIMITATION OF NAVAL ARMA- MENT.

PRESENTED WITH THE ADDRESS OF CHARLES E. HUGHES,
SECRETARY OF STATE OF THE UNITED STATES AND AMERICAN
DELEGATE.

The United States proposes the following plan for a limitation of the naval armament of the conferring nations. The United States believes that this plan safely guards the interests of all concerned.

In working out this proposal the United States has been guided by four general principles:

(A) The elimination of all capital shipbuilding programs, either actual or projected.

(B) Further reduction through the scrapping of certain of the older ships.

(C) That regard should be had to the existing naval strength of the conferring powers.

(D) The use of capital ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

CAPITAL SHIPS.

UNITED STATES.

1. The United States to scrap all new capital ships now under construction and on their way to completion. This includes 6 battle cruisers and 7 battleships on the ways and building and 2 battleships launched.

NOTE.—Paragraph 1 involves a reduction of 15 new capital ships under construction, with a total tonnage when completed of 618,000 tons. Total amount of money already spent on 15 capital ships, \$332,000,000.

2. The United States to scrap all battleships up to, but not including, the *Delaware* and *North Dakota*.

NOTE.—The number of old battleships scrapped under paragraph 2 is 15; their total tonnage is 227,740 tons. The grand total of capital ships to be scrapped is 30, aggregating 845,740 tons.

GREAT BRITAIN.

3. Great Britain to stop further construction of the 4 new *Hoods*.

NOTE.—Paragraph 3 involves a reduction of 4 new capital ships not yet laid down, but upon which money has been spent, with a total tonnage when completed of 172,000 tons.

4. In addition to the 4 *Hoods*, Great Britain to scrap her predreadnaughts, second-line battleships, and first-line battleships up to but not including the *King George V* class.

NOTE.—Paragraph 4 involves the disposition of 19 capital ships (certain of which have already been scrapped) with a tonnage reduction of 411,375 tons. The grand total of ships scrapped under this agreement will be 583,375 tons.

JAPAN.

5. Japan to abandon her program of ships not yet laid down, viz., the *Kii*, *Owari*, No. 7, No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.

NOTE.—Paragraph 5 does not involve the stopping of construction on any ship upon which construction has begun.

6. Japan to scrap 3 battleships: the *Mutsu* launched, the *Tosa* and *Kaga* building; and 4 battle cruisers: the *Amagi* and *Akagi* building, and the *Atago* and *Takao* not yet laid down but for which certain material has been assembled.

NOTE.—Paragraph 6 involves a reduction of 7 new capital ships under construction, with a total tonnage when completed of 289,100 tons.

7. Japan to scrap all predreadnaughts and capital ships of the second line. This to include the scrapping of all ships up to but not including the *Settsu*.

NOTE.—Paragraph 7 involves the scrapping of 10 older ships with a total tonnage of 159,828 tons. The grand total reduction of tonnage on vessels existing, laid down, or for which material has been assembled is 448,928 tons.

FRANCE AND ITALY.

8. In view of certain extraordinary conditions due to the World War affecting the existing strengths of the navies of France and Italy, the United States does not consider necessary the discussion at this stage of the proceedings of the tonnage allowance of these nations, but proposes it be reserved for the later consideration of the Conference.

OTHER NEW CONSTRUCTION.

9. No other new capital ships shall be constructed during the period of this agreement except replacement tonnage as provided hereinafter.

10. If the terms of this proposal are agreed to, then the United States, Great Britain, and Japan agree that their navies, three months after the making of this agreement, shall consist of the following capital ships:

List of capital ships.

United States.	Great Britain.	Japan.
Maryland.	Royal Sovereign.	Nagato.
California.	Royal Oak.	Hiuga.
Tennessee.	Resolution.	Ise.
Idaho.	Ramillies.	Yamashiro.
Mississippi.	Revenge.	Fu-So.
New Mexico	Queen Elizabeth.	Settsu.
Arizona.	Warspite.	Kirishima.
Pennsylvania.	Valiant.	Haruna.
Oklahoma.	Barham.	Hi-Yei.
Nevada.	Malaya.	Kongo.
Texas.	Benbow.	
New York.	Emperor of India.	
Arkansas.	Iron Duke.	
Wyoming.	Marlborough.	
Utah.	Erin.	
Florida.	King George V.	
North Dakota.	Centurion.	
Delaware.	Ajax.	
	Hood.	
	Renown.	
	Repulse.	
	Tiger.	
Total..... 18	22	10
Total tonnage..... 500,650	604,450	299,700

DISPOSITION OF OLD AND NEW CONSTRUCTION.

11. Capital ships shall be disposed of in accordance with methods to be agreed upon.

REPLACEMENTS.

12. (a) The tonnage basis for capital ship replacement under this proposal to be as follows:

United States.....	500,000 tons
Great Britain.....	500,000 tons.
Japan.....	300,000 tons.

(b) Capital ships 20 years from date of completion may be replaced by new capital ship construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion; provided, however, that the first replacement tonnage shall not be laid down until 10 years from the date of the signing of this agreement.

(c) The scrapping of capital ships replaced by new construction shall be undertaken not later than the date of completion

of the new construction and shall be completed within three months of the date of completion of new construction; or if the date of completion of new construction be delayed, then within four years of the laying of the keels of such new construction.

(d) No capital ships shall be laid down during the term of this agreement whose tonnage displacement exceeds 35,000 tons.

(e) The same rules for determining tonnage of capital ships shall apply to the ships of each of the Powers party to this agreement.

(f) Each of the Powers party to this agreement agrees to inform promptly all of the other Powers party to this agreement concerning:

- (1) The names of the capital ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(g) No fabricated parts of capital ships, including parts of hulls, engines, and ordnance, shall be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(h) In case of the loss or accidental destruction of capital ships they may be replaced by new capital ship construction in conformity with the foregoing rules.

AUXILIARY COMBATANT CRAFT.

13. In treating this subject auxiliary combatant craft have been divided into three classes:

- (a) Auxiliary surface combatant craft.
- (b) Submarines.
- (c) Airplane carriers and aircraft.

(a) AUXILIARY SURFACE COMBATANT CRAFT.

14. The term auxiliary surface combatant craft includes cruisers (exclusive of battle cruisers), flotilla leaders, destroyers, and all other surface types except those specifically exempted in the following paragraph.

15. Existing monitors, unarmored surface craft, as specified in paragraph 16, under 3,000 tons, fuel ships, supply ships, tenders, repair ships, tugs, mine sweepers, and vessels readily convertible from merchant vessels are exempt from the terms of this agreement.

16. No new auxiliary combatant craft may be built exempt from this agreement regarding limitation of naval armaments that exceed 3,000 tons displacement and 15 knots speed and carry more than four 5-inch guns.

17. It is proposed that the total tonnage of cruisers, flotilla leaders, and destroyers allowed each Power shall be as follows:

For the United States.....	450,000 tons.
For Great Britain.....	450,000 tons.
For Japan.....	270,000 tons.

Provided, however, that no Power party to this agreement whose total tonnage in auxiliary surface combatant craft on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of auxiliary combatant craft for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of new construction.

18. (a) All auxiliary surface combatant craft whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new construction in auxiliary surface combatant craft except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the auxiliary surface combatant craft tonnage allowances hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of old construction.

19. Auxiliary surface combatant craft shall be scrapped in accordance with methods to be agreed upon.

(b) SUBMARINES.

20. It is proposed that the total tonnage of submarines allowed each Power shall be as follows:

For the United States.....	90,000 tons.
For Great Britain.....	90,000 tons.
For Japan.....	54,000 tons.

Provided, however, that no Power party to this agreement whose total tonnage in submarines on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of submarines for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of new construction.

21. (a) All submarines whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new submarine tonnage except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the submarine tonnage allowance hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of old construction.

22. Submarines shall be scrapped in accordance with methods to be agreed upon.

(c) AIRPLANE CARRIERS AND AIRCRAFT.

AIRPLANE CARRIERS.

23. It is proposed that the total tonnage of airplane carriers allowed each Power shall be as follows:

United States -----	80,000 tons.
Great Britain -----	80,000 tons.
Japan -----	48,000 tons.

Provided, however, that no Power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.

Limitation of new construction.

24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

Scrapping of old construction.

25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon.

AUXILIARY COMBATANT CRAFT.

REPLACEMENTS.

26. (a) Cruisers 17 years of age from date of completion may be replaced by new construction. The keels for such new construction shall not be laid until the tonnage it is intended to replace is 15 years of age from date of completion.

(b) Destroyers and flotilla leaders 12 years of age from date of completion may be replaced by new construction. The keels of such new construction shall not be laid until the tonnage it is intended to replace is 11 years of age from date of completion.

(c) Submarines 12 years of age from date of completion may be replaced by new submarine construction, but the keels of such new construction shall not be laid until the tonnage which the new tonnage is to replace is 11 years of age from date of completion.

(d) Airplane carriers 20 years of age from date of completion may be replaced by new airplane carrier construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion.

(e) No surface vessel carrying guns of caliber greater than 8 inches shall be laid down as replacement tonnage for auxiliary combatant surface craft.

(f) The same rules for determining tonnage of auxiliary combatant craft shall apply to the ships of each of the Powers party to this agreement.

(g) The scrapping of ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of the new construction, or if the completion of new tonnage is delayed, then within 4 years of the laying of the keels of such new construction.

(h) Each of the Powers party to this agreement agrees to inform all of the other Powers party to this agreement concerning:

- (1) The names or numbers of the ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(i) No fabricated parts of auxiliary combatant craft, including parts of hulls, engines, and ordnance, will be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(j) In case of the loss or accidental destruction of ships of this class they may be replaced by new construction in conformity with the foregoing rules.

AIRCRAFT.

27. The limitation of naval aircraft is not proposed.

NOTE.—Owing to the fact that naval aircraft may be readily adapted from special types of commercial aircraft, it is not considered practicable to prescribe limits for naval aircraft.

GENERAL RESTRICTION ON TRANSFER OF COMBATANT VESSELS OF ALL CLASSES.

28. The Powers party to this agreement bind themselves not to dispose of combatant vessels of any class in such a manner that they later may become combatant vessels in another navy. They bind themselves further not to acquire combatant vessels from any foreign source.

29. No capital ship tonnage nor auxiliary combatant craft tonnage for foreign account shall be constructed within the jurisdiction of any one of the Powers party to this agreement during the term of this agreement.

MERCHANT MARINE.

30. As the importance of the merchant marine is in inverse ratio to the size of naval armaments, regulations must be provided to govern its conversion features for war purposes.

MINUTES OF COMMITTEE ON LIMITATION OF ARMAMENT.

FIRST MEETING—TUESDAY, NOVEMBER 15, 1921, 4 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. J. Butler Wright.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Mr. Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey.

France.—Mr. Briand, Mr. Sarraut. Accompanied by Mr. Massigli.

Italy.—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta.

Japan.—Admiral Baron Kato, Prince Tokugawa, Baron Shidehara. Accompanied by Capt. Yamanshi, Mr. Ichihashi.

The secretary general.

Interpreter, Mr. Camerlynck.

1. The first meeting of the Committee on Limitation of Armament met in the Hall of the Americas at the Pan American Building at 4 p. m., Tuesday, November 15, 1921.

2. There were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root, and Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for France, Mr. Briand and Mr. Sarraut (MM. Viviani and Jusserand being absent); for Italy, Senator Schanzer, Senator Rolandi Ricci, and Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, and Baron Shidehara. The secretary general and Mr. Camerlynck, as interpreter, were also present.

SECRETARIES.

3. It was resolved that all secretaries and experts should temporarily withdraw, with the exception of one secretary for each delegation. Accordingly the following secretaries remained: Messrs. Wright, for the United States; Hankey, for the British Empire; Massigli, for France; Marquis Visconti-Venosta, for Italy; and Capt. Yamanashi, for Japan (accompanied by Mr. Ichihashi, interpreter for Admiral Baron Kato).

COMMITTEE ORGANIZATION.

SECRETARY TO THE COMMITTEE.

4. The secretary general of the conference was appointed secretary to the committee with the understanding that he would be allowed one assistant.

RECORD OF PROCEEDINGS.

5. It was agreed that no verbatim stenographic report of the proceedings of the committee should be kept, but that each secretary of a delegation should coordinate with the secretary general for the compilation of a collective and mutually satisfactory procès verbal.

METHODS OF PROCEDURE FOR DEALING WITH AMERICAN DELEGATION'S PROPOSALS.

6. The committee then proceeded to the discussion of the method to be followed in conducting the study of the proposals advanced by the American delegation with respect to naval disarmament and the other suggestions advanced during the discussion of the subject at the second plenary meeting of the conference. The suggestion of the chairman, Mr. Hughes, was adopted that the reference of questions to expert subcommittees should be only for the purpose of supplying information, settling questions of fact, and obtaining their advice and recommendation, the committee in no way thereby delegating its authority or binding itself to adopt such reports or advice.

TECHNICAL SUBCOMMITTEE CONSTITUTED.

7. The committee further agreed that (1) there be constituted an expert subcommittee consisting of one technical expert designated by each delegation, who should enjoy the right at meetings of the subcommittee of the advice and services of such other technical advisers as each member of the subcommittee might desire, and (2) that one technical adviser for each delegation, in addition to the secretary of such delegation, should be present at each meeting of the committee with respect to limitation of naval armament.

The following naval advisers were nominated and appointed: Col. Theodore Roosevelt, Assistant Secretary of the Navy, for the United States; Admiral of the Fleet Beatty, for the British Empire; Admiral de Bon, for France; Admiral Acton, for Italy; Admiral Baron Kato, for Japan; with full power of substitution and revocation in each case. At the suggestion of Mr. Balfour, Col. Roosevelt was appointed chairman of this technical subcommittee. The committee determined that the technical subcom-

mittee should convene at once to consider the proposals advanced by the American delegation with respect to naval disarmament and the other suggestions advanced during the discussion of the subject at the second plenary meeting of the conference, the subcommittee to report as soon as possible to the committee considering the questions upon which it might find itself in agreement.

FUTURE MEETINGS OF THE COMMITTEE.

8. The chairman expressed the desire that any member of the committee who might consider that a meeting of the committee would be opportune should communicate immediately with him.

PUBLICITY OF WORK OF SUBCOMMITTEE.

9. The committee, in supporting the suggestion of Mr. Briand that the expert subcommittee should submit at the earliest possible moment their recommendations on questions on which agreement could easily be reached, resolved that the expert subcommittee should be notified that it is the instrument of the committee alone and that publicity with regard to any of the subjects under discussion should therefore be given solely through the medium of the committee.

The committee then adjourned subject to the call of the chair.

SECOND MEETING—WEDNESDAY, NOVEMBER 23, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Butler Wright.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice P. Hankey, Gen. Lord Cavan.

France.—Mr. Briand, Mr. Viviani, Mr. Jusserand. Accompanied by Mr. Massigli.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

Japan.—Admiral Baron Kato, Prince Tokugawa. Accompanied by Maj. Gen. Tanaka, Mr. Saburi, Mr. Ichihashi.

The secretary general. Accompanied by Mr. W. P. Cresson.

Interpreter, Mr. Camerlynck.

The Committee on the Limitation of Armaments held its second meeting in the Columbus Room, Pan American Union Building, at 11 a. m., Wednesday, November 23, 1921.

There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, accompanied by Mr. Butler Wright; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), accompanied by Sir Maurice P. Hankey, Gen. Lord Cavan; for France, Mr. Briand, Mr. Viviani, Mr. Jusserand, accompanied by Mr. Massigli; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, accompanied by Marquis Visconti-Venosta, Count Pagliano; for Japan, Admiral Baron Kato, Prince Tokugawa, accompanied by Maj. Gen. Tanaka, Mr. Saburi, Mr. Ichihashi.

The secretary general, accompanied by Mr. Cresson, was present. Mr. Camerlynck (interpreter) was also present.

The chairman, Mr. Hughes, announced that he had been informed by the Japanese Ambassador that the Japanese Government had appointed Mr. Masanao Hanihara a plenipotentiary delegate.

The chairman then said that the committee had been convened to see what could be done with certain questions not yet taken up. The naval subcommittee was not yet ready to report, so he supposed the committee might take up such other questions as the members desired.

Mr. Briand asked for the floor in order to express his keen regret at being forced to give up his collaboration in the work of the conference, as that day was the last one that he was spending in Washington. He considered it one of the greatest honors of his political life to have been able to participate, even for a time, in the proceedings of the conference, which had followed the noble, generous, and courageous initiative taken by the American Government. He wished to say once more something which he had been unable to express at the last plenary session with all the emotion which he felt: How deep was his gratitude to his colleagues for the words spoken by them and addressed to France. It was certain that the exchange of friendly declarations which had taken place before the whole world had enabled Europe to take a great step forward on the road to peace; this had, in fact, brought about a moral situation without the existence of which it would have been hard, indeed, to reach a positive result. No longer would anyone be able to say that the armaments of France masked offensive intentions. Speaking frankly, it had been practically a necessity for France that these words should be uttered; she had been so sharply attacked; she had been credited with so many hidden motives that, in foreign lands, some had ventured to doubt her real purposes. On the morrow—and this was one of the reasons for which Mr. Briand had to return to Paris—the

French Government and the French Parliament would take up the consideration of the military problem as it presented itself after the war and the victory; they would take it up with a desire to make the greatest possible progress in the realm of the reduction of military burdens. The duration of military service would very probably be reduced by one-half. Thanks to the words spoken at Washington, these decisions would be reached in a serene atmosphere.

Mr. Briand wished to add that he departed without anxiety, since he left his mandate in the hands of Mr. Viviani, who, during his previous trips to America, had created for himself universal sympathies. It was certain that in his hands the interests of France would be well safeguarded.

The chairman replied that he was sure that nothing he could say would adequately express the regret that all the delegates felt at Mr. Briand's departure, for they had all admired his eloquent presentation of the case of France, and had all felt a deep affection, which would remain with them permanently, for Mr. Briand. [Applause.] He felt, he said, that they were about to suffer, not only great personal loss but loss as well in the progress of their work. The memory of the last plenary session and of his moving address would always remain with them, and whatever might be the work that they might subsequently perform, there was nothing whatever that would ever surpass the interest of that occasion. They thought they understood the situation in France; certainly the opportunity had not been lacking of fairly judging it. France, they realized, was moved by a common desire to be freed from the burden of armament and at the same time to be assured of her own safety. She must now feel a sense of moral solidarity, with friends and well-wishers who would never forget. He trusted that Mr. Briand left with the sentiment that it had been a privilege for him to assist in these meetings. On behalf of the American Government he expressed America's sense of the high honor conferred by the leader of the Government in France in coming here, and America's recognition of the lasting tie that united the two peoples, a tie that had never been stronger than it was at the moment. [Applause.]

Mr. Balfour said he did not wish to add to or modify the admirable and eloquent speech made by the chairman in response to Mr. Briand. All must regret his departure on private no less than on public grounds. He was glad that Mr. Briand had found it possible to attend the opening of this conference, notwithstanding that the heavy responsibilities of a French prime minister weighed upon him. He rose, not for the purpose of repeating in worse language what the chairman had stated, but to raise a purely business question. The subject of land armaments was not

regarded as settled even for France, and he understood it was to be raised in the French Chamber. He wished to know if it were proposed to raise it at the present conference. Although the question of land armaments as affecting France had been raised by Mr. Briand, there was no doubt that there were other important subjects relating to land armaments which deserved consideration. He would like to know in what order it was proposed to take them up. He did not suppose they were regarded as settled by the speeches made in public discussion. It was worth deliberating what steps it might be desirable to take in this important branch of the question of limitation of armaments affecting land warfare. If nothing could be done in the matter, there would be a sense of disappointment in Europe, as well as in America, and the opportunity could hardly be allowed to pass without some consideration of how the question ought to be dealt with.

The chairman asked whether Mr. Balfour had any suggestions to make, to which the latter replied that he had not.

Senator Schanzer said that he wished to join cordially in the expressions of regret which had been uttered here upon the occasion of Mr. Briand's approaching departure. The situation of France had been most eloquently described to the conference by Mr. Briand, and, speaking for the Italian delegates, he said they were glad to have been able to express their feelings of friendship for France, and to say that they understood perfectly the peculiarities and difficulties of her situation. Mr. Briand had communicated his point of view to the conference in a public session. The question of the limitation of armaments was considered of the highest importance in Italy. And, moreover, public opinion in other countries was agreed that something ought to be done regarding this matter. Italy could not, indeed, forget the heavy burdens that armaments had forced her to bear, and the taxes and fiscal necessities which resulted therefrom. All must hope that it would be possible to ameliorate that situation. It was not his intention, at that time, to advance a formal proposal in the name of the Italian Government, although Italy desired to act in this matter in full agreement with the other powers. However, it seemed necessary to state Italy's definite intention to approach this question practically and as soon as possible.

He felt that the committee should avoid giving to the world the impression that this conference, called to examine so important a question, had avoided the issue, or rather that it had sought to set aside indefinitely the solution of the problem. Such a course, he believed, would create a very bad impression in Italy.

While presenting no formal motion upon the subject, and while desiring to conform to the decisions of the conference, the speaker ventured to express the opinion that it would be advisable to continue the study of this question, without neglecting all

that concerned the traffic in arms and munitions, the means of war, as well as the other points indicated in the agenda of the conference.

Mr. Briand said he was desirous of stating his opinion that the conference was facing a serious situation. Senator Schanzer and Mr. Balfour had said the conference had taken up the problem under consideration, and that it could not give up its discussion without creating among the peoples of the earth a feeling of keen disappointment. But what solution would be satisfactory to all the nations? Could they be content with an expression of platonic aspirations? The French delegation was ready to join in such an expression most heartily. But it was precisely such action that would bring disappointment to the nations.

Was it the intention to debate the problem seriously? One country and one only was under discussion—France. Could France join in such an undertaking? The conference had conceded that her situation was exceptional. Under these circumstances and since the Governments there represented did not offer to assume, by a formal contract, a share of the burdens and perils that had fallen to her lot, they did not have the right to fix a limit to her armament. It was, indeed, the most sacred principle of national safety and sovereignty that was at stake. Since a full knowledge of the danger did not elicit the declaration that the peril would be shared, it could not equitably be said to France: Under such and such conditions and with such and such an army you are to face this danger.

What was it that Senator Schanzer wanted? Did he mean that, France being left to her own resources, her military situation should be determined by the conference? Mr. Briand did not believe so. If such an undertaking were attempted, nothing would be accomplished and France would be placed in the attitude of isolation, which he dreaded. Soon it would be said that France alone had been an obstacle to the great work of the limitation of armaments. Mr. Briand hoped that no such situation could possibly arise.

The terms of the problem would be altogether different if any other country were exposed to similar risks, but such was not the case. The conference had accepted the explanations that the delegate from France had presented in public session; Mr. Briand declared this was his understanding, if the words that had been spoken had any meaning. In view of this fact, he did not see what could be gained by general discussion of the question.

On the other hand, there was a series of limited problems, and, however delicate these might be, they could be taken up to advantage, for instance, aircraft and the use of gases in warfare. But it was impossible to deal with the fundamental problem of

land armament and to determine a maximum of effectives and of matériel for each nation as could be done in the case of navies.

Mr. Briand desired to be clearly understood; while obliged to leave Washington, he did not wish to leave such an essential point in doubt. He was unwilling to risk that some day the peoples of the earth might be told that if the problem of the limitation of land armaments had not been settled it was because of the opposition of France.

Senator Schanzer said that his reply would be very precise and very clear, for it would be deplorable to allow any misunderstanding to arise. The question of limitation of armament was of very special importance to Italy, as she had already limited, as far as possible, her own armaments. Furthermore, he might be permitted to observe that this question did not concern France alone; it concerned central Europe also and the new countries created since the war, which already possessed considerable armies, or were engaged in organizing them. It was in the interest of all Europe that this problem should be examined. Mr. Briand had asked the question: What was it Senator Schanzer wanted? Senator Schanzer took the liberty of reminding the committee that Mr. Balfour had expressed the same anxiety that he himself had just manifested with regard to the results of this conference. Since the question had been asked, it must be answered, if not that day, at least at some other time. It seemed to him almost useless to state that no one had any intention of giving advice to France or of setting a limit to what she considered a necessary minimum of armament for insuring her own safety. In his speech the day before he had publicly expressed the most friendly feelings for France, and he wished to repeat, with heartfelt sincerity, the same sentiments. But that could hardly prevent the Italian delegation from explaining its point of view. There was, moreover, one point on which he could scarcely agree with Mr. Briand. The latter had asked: If the conference did not intend to reduce armaments, what was the use of an expression of platonic aspirations? The Italian delegation, Senator Schanzer stated, believed that in this matter the affirmation of certain principles was also of some importance. He did not think that it would be useless to take into consideration questions of principle; they were not futile questions, and their consideration was not without importance. He hoped he had made himself clear.

The Italian delegation did not propose immediate reduction of armament in Europe, because, among other reasons, he recognized that there were several nations concerned in the matter which were not taking part in the meeting. The Italian delegation believed that the committee should come to an agreement, with the idea that its members must all endeavor to secure a limitation of

armament. They also believed in the advantage of a resolution expressing the hope that this object might be attained as soon as possible. He agreed with Mr. Briand, besides, as to the advantage there would be in discussing at once the secondary questions. He hoped he had expressed himself with all necessary clearness.

Mr. Balfour asked to be allowed to say one or two words to dissipate a misconception which perhaps Mr. Briand's words might have occasioned. Mr. Briand had suggested—indeed, he had almost laid it down as a principle—that limitation of land armaments could only apply to one country, namely, France, and that no one who recognized—as Mr. Balfour had himself recognized—the special position of France, owing to the existence of the great nation on her eastern frontier, ought to raise a discussion on the subject. After the words he had spoken in public conference, no one would suspect him of misconceiving the cause for which France had stood and still stood. He had himself signed the tripartite agreement under which Great Britain would come to the assistance of France in the event of any unprovoked movement of aggression against her being made by Germany. Mr. Briand should realize from the terms of Mr. Balfour's speech what Great Britain felt in regard to France's position. But if Mr. Briand said that the question of limitation of land armaments must not be discussed, he was pressing his argument too far. It was impossible entirely to disassociate land from sea armaments. The people of Great Britain were so dependent on the sea for their being and existence that it was impossible for them to regard the question of sea power as entirely disassociated from land power.

Another point: No word had yet been said at the conference on the question of aerial warfare. It was surely not proposed to exclude this question and that of the armaments required to repel aerial attack. It could not be admitted that this was to be barred from future discussion because France was in a difficult position in regard to her eastern frontier. Great Britain, in spite of her insular position, was exposed to air attack, and could not admit that this question should be set aside. It would be dangerous for the conference to pass a resolution excluding from the scope of its agenda land power, and air power in relation to land power. Mr. Balfour hoped, therefore, that Mr. Briand would understand that Great Britain, though a party of the unratified treaty and far from being indifferent to the special position of France, could not consent to the whole question of land and air armaments being on that account withdrawn from the purview of the conference.

Mr. Briand observed that he had specially wished to state that the conference could proceed with the discussion of questions such

as aircraft and use of gases. On these points, therefore, he met Mr. Balfour's wishes, but he would like to have more definite information in connection with the first part of his speech.

If the conference proceeded with the problem as a whole, the French delegation would like to know what result would be obtained. From a naval point of view a definite program had been presented. But the same thing could not be done in regard to land armaments. If the committee desired to confine itself to a recommendation, well and good; the French delegation had prepared a text, but it had given up the plan of presenting it in order not to cause embarrassment and not to place certain Governments in a delicate position before their pacifists.

For his part, however, Mr. Briand had no fear of the pacifists; their object was not nearly so much peace as revolution. In so far as he was concerned, Mr. Briand undertook to vanquish their opposition. But if it appeared desirable to vote upon a text, the French delegation would ask that it should contain a precise statement to the effect that the exceptional situation of France had been taken into account.

Mr. Briand recalled to the committee that at The Hague Conference it was Germany that opposed the presentation of the disarmament problem; Mr. Briand could not allow that by reason of a badly worded resolution France might be put in the position of appearing unwilling to follow the other Governments in the path of disarmament. He had already stated what France had accomplished. Italy had not done anything different, for if she had reduced the number of men under the colors she had not modified her military laws. No doubt she would do this and would go further than France in the matter; Mr. Briand envied her ability to do so. The reason was obvious; the new States of central Europe were not enemy States; Yugoslavia, Czechoslovakia, Rumania, and Poland were either created or enlarged by the Allies.

France was alone in having an enemy on her frontier. Recently Mr. Lloyd-George in an eloquent speech had acknowledged this; Great Britain had the sea; Italy had her natural frontiers. Such was not the position of France. She had rashly reduced the term of military service to two years. In consequence a few months ago at a critical moment she had but one trained class at her disposal. The tasks which had devolved upon France in the execution of the treaties of peace and which had no especial bearing upon French interests had compelled her to maintain 180,000 soldiers outside of France; thus she had on the Rhine only 40,000 trained soldiers, while the German army numbered 100,000 men. What would have happened, he asked, if hostilities had broken out?

If, therefore, it were desired to formulate a general recommendation, Mr. Briand would not oppose the step. But in that case the exceptional position of France must be recorded and it must be made clear that she could do nothing in the way of land disarmament so long as the situation remained unchanged. It was true that Great Britain had offered her assistance to France in case of danger, but a condition had been attached to this assistance, and this condition had not been fulfilled. France now enjoyed the friendship of Great Britain and that of the United States, which was assuredly a precious possession but not a moral support. In case of attack France should be able to defend herself alone.

Mr. Briand declared himself quite ready to join in a recommendation, but only under the conditions that he had just stated. Otherwise it might be said that the conference was animated by the best intentions and, but for the obstacle presented by France, would have accomplished an important work and there would again be talk of "French imperialism."

Should, therefore, a recommendation be all that was desired, it might be drawn up at once. Nothing, on the other hand, seemed to prevent the conference from taking up the definite problems that had been mentioned.

The chairman said that in making a list of topics for the American agenda, the American Government had been fully conscious of the difficulties involved in a discussion of land armament. The American Government understood the special situation of France, and had realized, too, that other Governments might express their views candidly and fully, and that some special difficulty might be found in the case of each of them which would prevent such a reduction as would satisfy the peoples of the world. Other countries, not represented, would have to be considered. But this subject had been included, first, because the American Government had no desire to foreclose any helpful consideration of views and their presentation either in public or privately; and, second, because it was thought important not to limit discussion exclusively to naval limitation, since some important instruments of warfare could not be regarded as exclusively naval. The American Government desired to take account of actual conditions. No one wished to embarrass France, but what was wanted was to make progress toward the desired goal. It seemed to be recognized that there were some subjects which the committee could discuss. In the agenda the American Government had put in new agencies of warfare. The chairman's thought was that the committee should consider how it might satisfy the liberal opinion of the world concerning subjects dealt with. It might establish a subcommittee, similar to that on Chinese revenue, to get under way, for example,

on the subject of aircraft and gas. These questions were not regarded as easy. It did not seem fitting to call a conference for the limitation of armament and not to consider these questions. Any attempt to define a limit for military forces would be in vain. He did not believe that it could be done at that time. Each nation would do that for itself under the pressure of its own people. Even if the committee were not able to agree on a detailed statement in respect, for instance, to aircraft, still it could show that it was giving such subjects extensive consideration. It was known how established rules on international law had been blown to pieces. Some expression of the opinion of the civilized world in this regard should be made in the conference.

Mr. Root said he wished to suggest an idea in connection with those so ably and appropriately expressed. It was this: Whether the committee succeeded or not in reaching a definite conclusion upon any matter connected with the limitation of land armament, sincere and practical consideration and discussion of the subject would itself greatly relieve the situation and furnish the committee with a base from which some advance, not otherwise possible, might be made thereafter. The mere ascertaining of the obstacles in the way was itself a step in advance, changing vague and indefinite impressions, regarding matters to which they had not addressed their minds, into definite ascertainment of the particular reasons why a definite agreement could, or could not, be reached. This might bring many minds to a consideration of methods which would lead to future progress. Many failures preceded almost every success. The clear and cogent statement by Mr. Briand in the plenary session of the particular situation which would satisfy France—still bearing the heavy burden of a great army—would of itself create a new situation by carrying a definite concept to the millions of minds which are the backgrounds to the governments of the world. It was impossible to do more now toward the reduction of land forces than to set those minds to working out ways of overcoming obstacles. That was no slight advantage in the world of democracies. The committee might rest assured that, if it went on with the consideration of the problems of land armament, it was accomplishing something very useful, even though it did not reach an agreement.

The chairman pointed out that one of two courses was open to the committee in order to get on with its work. In the first place, it might refer to the committee on program and procedure (composed of the heads of the five powers) the subject of land armament and of new agencies of warfare, or else appoint a special committee to take up the different phases of the subject. Or, as a second solution, it might now proceed to take up the subject, provided, of course, that it was desired to take up the

discussion of particular subjects then and there. He then suggested that attention be focused on the particular points that had to do with the progress of the committee's work.

Sir Robert Borden said that surely no member of the committee would think of imposing upon France, the victim of two unprovoked attempts in the last 50 years, any conditions that her people would regard as obnoxious. Yet he ventured to express the hope that the Government of France might, in the early future, find conditions so developed as to enable her to reduce her military preparations even below the point suggested by Mr. Briand. That, however, was by the way. He now wished to emphasize the point that the minds of all the people of the world were concentrated on the conference and its works, and that the members of the conference would be left in a very unfortunate situation if they took the position that they could not discuss the reduction of land armament. That discussion must take place, with due regard to what had been urged by France. The stability of the public opinion of the world and the return to normal conditions depended upon the progress made with this question as well as with others. The situation was difficult, but it seemed to him that this condition could be best met by a conference between the heads of the different delegations. He ventured to express the hope that a clear solution might be arrived at.

The chairman now formally asked what disposition it was desired to make of the matter.

Lord Lee said that it was in the power of any State to say what it liked about any subject or to decline to discuss any subject. If that were a general right, it was certainly France's right, but he was inclined to think that that should not preclude other States from discussing what they wanted.

Mr. Briand stated that the French delegation was ready to appoint three subcommittees: One on aircraft, one on gases, and the third on subjects relating to the laws of war. With a definite program in hand, these subjects might be taken up. In the same way the question of naval armaments had been approached with a definite program in view. In regard to the general question, Mr. Briand repeated that he needed certain further explanations. What was to be discussed? A limitation of armament? Matters of effectives and war matériel? France could not appoint an expert to take part in a committee of that nature. If a definite proposal of collaboration were advanced, if it were a question of establishing in common an international force with the duty of maintaining order, well and good—disarmament might be considered. If the peoples of the earth were as eager as was claimed to see armaments limited, their representatives had only to say: A danger exists; we recognize it; we will share it with you shoulder to shoulder; here is our signature. In that case France

would fully agree to consider the problem of the limitation of armaments. But up to that time no such proposal had been heard, and along those lines nothing but declarations had yet appeared. France had realities to deal with; she had suffered from them 5 years ago and 50 years ago. A French administration which should enter upon the course into which certain members of the conference would entice it would be false to its mandate. Mr. Briand had received from the French Parliament a very explicit mandate; France might agree to any reductions of armament, if her safety were guaranteed. If she were alone, she could agree to nothing.

Mr. Briand said he must, then, either disobey his mandate or call upon his colleagues to reflect upon the gravity of the problem. He had the right to demand precise information as to the contemplated discussions. If a definite program were presented, France was ready to discuss it; but no such program could be laid down. There were but two solutions: Either to confirm the existing situation and let it go at that, or else to say to France, "We will join forces; here is our signature." These words, Mr. Briand said, he would hear with the greatest satisfaction, but up to that time they had not been uttered. No nation facing a question of life or death could present the problem otherwise.

When the enemy was at the door, when one saw one's country torn asunder, 600,000 homes destroyed, factories leveled to the ground, thousands of peasants living in holes, the soil itself laid waste, when through the streets passed 2,000,000 of crippled men and under the ground lay 1,500,000 dead, that was not a platonic situation, and one did not discuss aspirations, but realities. No statesman aware of his responsibilities would present the question otherwise.

Senator Lodge believed that the best and most practical plan would be to refer the matter to the committee on program and procedure, with power to arrange subcommittees on aeronautics, poison gases, and the law of nations.

The chairman inquired if that were agreeable, and the committee unanimously assented.

Senator Schanzer said that since he had had the opportunity to mention the States of central Europe which had been created since the war, and in order to avoid any possible misunderstanding, he wished to make a formal statement that, not only did Italy not consider them as foes, but that she looked upon them as friendly States; that she was the enemy of no people, having no reasons for conflict with any nation whatsoever. He would further add that the Italian delegation agreed to the proposal to submit the question to the committee on program and procedure.

The chairman said that it was then 1 o'clock and suggested that the committee adjourn subject to the call of the Chair. The committee would meet after lunch and after the full membership of the committee on Pacific and far eastern questions had been consulted.

The communiqué was then prepared:

CONFERENCE ON THE LIMITATION OF ARMAMENT.

(For the Press. November 23, 1921.)

The committee on the subject of the Limitation of Armament met at the Pan American Building at 10.30 this morning. All the members were present except Baron Shidehara and Signor Meda. After a general discussion of the subjects relating to land armament and new agencies of warfare, these were referred to the subcommittee consisting of the heads of the delegations with instructions to bring in an order of procedure with regard to these subjects and with power to appoint subcommittees to deal with the questions relating to poison gas, aircraft, and rules of international law.

THIRD MEETING, COLUMBUS ROOM, PAN AMERICAN UNION BUILDING,
MONDAY, DECEMBER 12, 1921, 1 P. M. —

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand); Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

France.—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène.

Italy.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini.

Japan.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Saito, Mr. Ichihashi.

The secretary general. Accompanied by Mr. Cresson.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The third meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Monday, December 12, 1921, at 1 p. m.

2. The following were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for

Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India) ; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand ; for Italy, Senator Schanzer, Senator Albertini ; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara.

3. Secretaries and advisers present included the following for the United States, Mr. Wright ; for the British Empire, Sir Maurice Hankey, Mr. Lampson ; for France, Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène ; for Italy, Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini ; for Japan, Mr. Saburi, Mr. Saito, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. All the members being present at a previous meeting of the Pacific and far eastern committee, the chairman, Mr. Hughes, called a meeting of the Committee on Limitation of Armament to discuss a change of procedure. The chairman referred to the subcommittee which had been appointed by the Committee on Limitation of Armament to deal with the questions of naval armament and to which certain persons had been appointed in order to benefit by their expert advice. He now suggested that this procedure be modified and that in its place a subcommittee be appointed consisting of the heads of delegations, and in addition, as representing each delegation, a civilian (who might or might not be a delegate), and a naval expert. The chairman stated that this suggestion had been made with the object of obtaining expert advice and expediting decisions by the principal delegates at the same time.

Senator Schanzer asked whether he was to understand that the decisions of this committee were to be referred to the plenary committee or whether it was a mere change in subcommittee.

The chairman stated that he believed the latter to be the sense of the committee.

Mr. Hanihara asked whether it was in order to bring only one naval expert, in which case he desired that Baron Kato be accompanied by an interpreter.

The chairman then ruled that interpreters would not count in this matter and could attend.

Senator Schanzer asked whether in place of a civil and technical delegate he might bring two technical delegates.

The chairman stated that the permission allowed was for a delegate, a naval expert, and a civilian.

Mr. Balfour stated that the British Empire delegation would be composed of Lord Lee, Mr. Balfour, and Admiral Chatfield.

The chairman stated that the American delegation would consist of himself, Col. Roosevelt, and Admiral Coontz.

Mr. Viviani declared that the French delegation would be composed of Mr. Sarraut, Mr. Jusserand, and Admiral de Bon.

The chairman said that the meeting of this committee would be subject to the call of the Chair.

The meeting then adjourned.

FOURTH MEETING, COLUMBUS ROOM, PAN AMERICAN UNION BUILDING, THURSDAY, DECEMBER 22, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley.

France.—Mr. Sarrant, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Commander Prince Ruspoli, Mr. Celestia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi, Commander Hori.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson; interpreters, Mr. Camerlynck and Mr. Talamon.

1. The fourth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday, December 22, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'

hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, accompanied by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon were present as interpreters.

4. The chairman, Mr. Hughes, opened the meeting by saying that, as the members of the committee would recall, at the first meeting of this Committee on the Limitation of Armament a subcommittee, consisting of technical experts, had been appointed for the purpose of giving information and advice in connection with the proposal formulated by the American Government and any other matters that might be considered pertinent. That committee had proceeded with its deliberations. Conversations between the heads of the United States, British Empire, and Japanese delegations with respect to the definite proposals for the limitation of the capital ships of those three nations had followed. An agreement had been reached between the three powers concerning their capital ships, which, however, was a provisional one, so far as the number of capital ships to be scrapped and the number to be retained was concerned, depending for its final and definite adoption upon the future action of France and Italy.

The chairman stated that it had been found advisable to enlarge the subcommittee, which, it would be recalled, was originally composed exclusively of naval experts, in effect forming a new subcommittee in its place; this new subcommittee had been composed of one delegate for each of the five powers, together with one naval expert and one civilian (who might be a delegate or not), so that expert and political opinions might be more closely related.

The chairman was glad to say that at the first meeting of this new subcommittee (which had been called the subcommittee of fifteen on naval limitation), he had been able to announce that an agreement, provisional while awaiting the decision of France and Italy, had been reached between the delegations of the United States, the British Empire, and Japan. This agreement being familiar to all, he did not wish to take time to read it, but desired to have it incorporated in the records of this committee, as though it had been stated in full, as follows:

"The following are the points of agreement that have been reached in the course of the negotiations between the United States of America, Great Britain, and Japan with respect to their capital fighting ships.

"An agreement has been reached between the three powers—the United States of America, the British Empire, and Japan—on the subject of naval ratio. The proposal of the American Government that the ratio should be 5:5:3 is accepted. It is agreed that with respect to fortifications and naval bases in the Pacific

region, including Hongkong, the status quo shall be maintained—that is, that there shall be no increase in these fortifications and naval bases except that this restriction shall not apply to the Hawaiian Islands, Australia, New Zealand, and the islands composing Japan proper, or, of course, to the coasts of the United States and Canada, as to which the respective powers retain their entire freedom.

“The Japanese Government has found special difficulty with respect to the *Mutsu*, as that is their newest ship. In order to retain the *Mutsu* Japan has proposed to scrap the *Settsu*, one of her older ships, which, under the American proposal, was to have been retained. This would leave the number of Japan’s capital ships the same—that is, 10, as under the American proposal. The retention of the *Mutsu* by Japan in place of the *Settsu* makes a difference in net tonnage of 13,600 tons, making the total tonnage of Japan’s capital ships 313,300 tons, as against 299,700 tons under the original American proposal.

“While the difference in tonnage is small, there would be considerable difference in efficiency, as the retention of the *Mutsu* would give Japan two post-Jutland ships of the latest design.

“In order to meet this situation and to preserve the relative strength on the basis of the agreed ratio, it is agreed that the United States shall complete two of the ships in course of construction—that is, the *Colorado* and the *Washington*—which are now about 90 per cent completed, and scrap two of the older ships—that is, the *North Dakota* and the *Delaware*—which, under the original proposal, were to be retained. This would leave the United States with the same number of capital ships—that is, 18, as under the original proposal—with a tonnage of 525,850 tons, as against 500,650 tons as originally proposed. Three of the ships would be post-Jutland ships of the *Maryland* type.

“As the British have no post-Jutland ships, except one *Hood*, the construction of which is only partly post-Jutland, it is agreed that in order to maintain proper relative strength the British Government may construct two new ships not to exceed 35,000 legend tons each; that is, calculating the tonnage according to British standards of measurement, or, according to American calculations, the equivalent of 37,000 tons each.

“It is agreed that the British Government shall, on the completion of these two new ships, scrap four of their ships of the *King George V* type—that is, the *Erin*, *King George V*, *Centurion*, and *Ajax*, which were to have been retained under the original American proposal. This would leave the British capital ships in number 20, as against 22 under the American proposal. Taking the tonnage of the two new ships according to American calculations, it would amount to 74,000, and the four ships scrapped, having a tonnage of 96,000 tons, there would be a reduction in

net tonnage of 22,400 tons, leaving the British tonnage of capital ships 582,050 instead of 604,450. This would give the British as against the United States an excess tonnage of 56,200 tons, which is deemed to be fair, in view of the age of the ships of the *Royal Sovereign* and the *Queen Elizabeth* types.

"The maximum limitation for the tonnage of ships to be constructed in replacement is to be fixed at 35,000 legend tons—that is, according to British standards of measurement, or, according to American calculations, the equivalent of 37,000 tons—in order to give accommodation to these changes. The maximum tonnage of capital ships is fixed, for the purpose of replacement, on the basis of American standards of calculation, as follows:

	Tons.
United States	525, 000
Great Britain	525, 000
Japan	315, 000

"Comparing this arrangement with the original American proposal, it will be observed that the United States is to scrap 30 ships as proposed, save that there will be scrapped 13 of the 15 ships under construction and 17 instead of 15 of the older ships.

"The total tonnage of the American capital ships to be scrapped under the original proposal, including the tonnage of ships in construction if completed, was stated to be 845,740 tons. Under the present arrangement the tonnage of the 30 ships to be scrapped, taking that of the ships in construction if completed, would be 820,540 tons.

"The number of the Japanese ships to be retained remains the same as under the original proposal. The total tonnage of the ships to be scrapped by Japan under the original American proposal, taking the tonnage of new ships when completed, was stated to be 448,928 tons. The total tonnage of the ships to be scrapped under the present arrangement is 435,328 tons.

"Under the original proposal Great Britain was to scrap 19 capital ships (including certain predreadnaughts already scrapped), whereas under the present arrangement she will scrap 4 more, or a total of 23. The total tonnage of ships to be scrapped by Great Britain, including the tonnage of the four Hoods, to which the proposal referred as laid down, if completed, was stated to be 583,375 tons. The corresponding total of scrapped ships under the new arrangement will be 22,600 tons more, or 605,975 tons.

"Under the American proposal there were to be scrapped 66 capital fighting ships built and building, with a total tonnage (taking ships laid down as completed) of 1,878,043 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,643 tons.

"The naval holiday of 10 years with respect to capital ships, as originally proposed by the American Government, is to be maintained except for the permission to construct ships as above stated.

"This arrangement between the United States, Great Britain, and Japan is, so far as the number of ships to be retained and scrapped is concerned, dependent upon a suitable agreement with France and Italy as to their capital ships, a matter which is now in course of negotiation."

The chairman, continuing, reported that the subcommittee of fifteen on naval limitation had proceeded to consider the question of capital ship tonnage with regard to France and Italy. Admiral de Bon had very eloquently presented a proposal on behalf of the French Government which had been discussed. He would not attempt to describe the course of that discussion. It would be sufficient for him to say that there had been a discussion of the French desire to be free to build 10 capital ships of 35,000 tons each. The American delegation had stated its understanding that the present composition of France's first line navy was 7 capital ships, totaling 164,000 tons, and 3 predreadnaughts, giving an approximate total tonnage of 221,000 tons. He had pointed out that the other Governments had agreed to scrap their predreadnaughts without planning to replace them. Apart from this, the agreement to scrap capital ship tonnage represented for the three powers a cut of about 40 per cent in their capital ship tonnage exclusive of predreadnaughts. In the case of France, a similar reduction would have meant a reduction to about 102,000 tons. It had been considered fair not to ask so much of France, but that she should be free to keep all of her 10 ships, including the 3 predreadnaughts. In replacing her old ships, however, France was asked to keep her Navy down to 175,000 tons.

He had reported further that Italy had expressed the desire to maintain a naval parity with France. Italy was perfectly satisfied with the limit of 175,000 tons for capital ships so long as it applied equally to France and Italy. He had understood that the French Government was also content with parity with Italy. Admiral de Bon had, however, presented a complete statement of France's position, of her desire to be free to have 10 ships in the course of time to put her fleet on a footing she considered necessary and fitting, and to begin the replacement of her warships at an earlier date, due to the condition of her dockyards and to the fact that she had already refrained from building for some years.

In view of his responsibilities as chairman and considering that Mr. Briand had been present at the earlier sessions of the conference and shown such a strong wish to see it succeed, he, with the knowledge of the French representative, had sent a

message to Mr. Briand and received a reply. This correspondence being familiar to all, he would regard it as now submitted and ordered spread upon the records, as follows:

"DECEMBER 16, 1921.

"MY DEAR M. BRIAND: In view of your distinguished service at the Conference on Limitation of Armament and of my responsibilities as chairman of the conference, I venture to address to you this personal word. I am happy to say that the conversations between the United States, Great Britain, and Japan as to the proposal which I made on behalf of the American Government at the opening of the conference with respect to capital ships have resulted in a provisional agreement. Great Britain and Japan have accepted the naval ratio as proposed and the reduction of capital ships, with such modifications as do not seriously affect the principle involved. Japan keeps the *Mutsu* and scraps the *Settsu*. The United States finishes two ships, the *Colorado* and the *Washington*, now about 90 per cent completed, and scraps the *North Dakota* and *Delaware*. Great Britain will build two new ships and scrap four, to wit, the *Erin*, *King George V*, *Centurion*, and *Ajax*. The result is that the United States still scraps 30 ships—that is, 13 of the ships under construction and 17, instead of 15, of the older ships, leaving the number of ships the same as under the original proposal, with a tonnage of 525,000 tons, instead of 500,000 tons. Thus the United States scraps 322,000 tons of her ships (exclusive of pre-readnaughts). Great Britain and Japan scrap to an equivalent extent. Japan retains the same number of ships as proposed and scraps 17 as proposed, her new tonnage being 313,300, instead of about 300,000.

"Great Britain scraps 22,600 tons more than originally proposed, leaving her tonnage 582,000 instead of 604,400, her excess being allowed in view of the age of her existing ships. The new limits are very little different from those proposed, being 525,000 tons for the United States and Great Britain, and 315,000 tons for Japan. The naval holiday as to capital ships is agreed upon except for the construction of the ships above mentioned. In short, under the original American proposal there were to be scrapped by the three powers 66 capital fighting ships, built and building, with a total tonnage (taking ships laid down as completed) of 1,878,000 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,000 tons.

"You will thus observe that there has been simply a slight readjustment in the three navies with respect to the ships retained, but that the sacrifices proposed by the American Government have substantially been made and the principle as laid down is being carried out so far as these three powers are concerned.

"The agreement, however, as to the number of ships to be retained by them is dependent upon an appropriate agreement with France and Italy with respect to their capital ships. Italy is desirous to reduce her capital ships, because of the obvious requirements of her economic life, to the lowest possible basis and there will be not the slightest difficulty in making an agreement with Italy if we can reach a suitable understanding with France.

"You will observe the attitude of France will determine the success or failure of these efforts to reduce the heavy burden of naval armament.

"In dealing with Great Britain and Japan we have taken facts as they are. We have avoided an academic discussion of national needs and aspirations which in the nature of things could not be realized. It has been pointed out that the ratio of strength in capital ships is that which exists and that it is futile to desire a better one, for it can not be obtained if nations with abundant resources build against each other in competition. The predreadnaughts possessed by the three powers are to be scrapped without any suggestion of replacement, and there has been a reduction of over 40 per cent of the naval strength represented by dreadnaughts and superdreadnaughts. Now, France has seven dreadnaughts, with a tonnage of 164,500. Reducing in the same proportion as the United States has reduced, her tonnage of capital ships would be fixed at 102,000, or if the predreadnaughts of France were taken into calculation on her side although omitted on the side of the United States, the total tonnage of France's capital ships being taken at 221,000, a reduction on the same basis would reduce France to 136,000 tons.

"This would be the sacrifice of France if she made the same sacrifices that have been made by the other powers. We do not ask this. We are entirely willing that France should have the benefit of an increased tonnage which would preclude the necessity of her scrapping her dreadnaughts; that is to say, her present strength in dreadnaughts is about 164,000 tons, and there is not the slightest objection to allowing this and an increase over this, or a total of 175,000 tons, which would be more than 70,000 tons over what she would have on the basis of relative strength as it exists.

"If it be said that France desires a greater relative strength, the obvious answer is that this would be impossible of attainment. If such an agreement as we are now proposing were not made, the United States and Great Britain would very shortly have navies of over a million tons, more than 6 to 1 as compared with France, and France would not be in a position to better herself, much less by any possible endeavor to obtain such a relative strength as has been suggested. In short, the proposed agreement is tremendously

in favor of France by reducing the navies of powers who not only are able to build but whose ships are actually in course of construction to a basis far more favorable to France than would otherwise be attainable. The proposed agreement really doubles the relative strength of the French Navy.

"In these circumstances I feel that the suggestion that has been made that France should build 10 new capital ships in replacement, with a tonnage of 300,000 tons or more, suggests a program of such magnitude as to raise the greatest difficulties. In fact, I regret to say that after canvassing the matter thoroughly and taking the best information I can obtain, I am compelled to conclude that it would not be possible on this basis to carry through the agreement.

"I need not point out to you our great desire, which you yourself have so eloquently expressed, that the economic burden of armament should be lifted. It is not against the interests of France that we express the hope that her industry and resources will be devoted to economic recuperation and the enhancement of her prosperity rather than be expended in the building of fighting ships. The particular situation of France with respect to land armament you have vividly portrayed, but that points, as it seems to us, to the very great importance of reduction in naval armament. At this time, when we are anxious to aid France in full recovery of her economic life, it would be most disappointing to be advised that she was contemplating putting hundreds of millions into battleships.

"I have spoken to you thus frankly because of my deep appreciation of your friendship and of your solicitude for the success of the efforts we are making, and in the hope that the present matter, which represents perhaps the most critical position yet reached in the conference, may be adjusted on a satisfactory basis. I repeat that the provisional agreement reached with Great Britain and Japan hinges upon an appropriate agreement with France, and I can not too strongly urge the most careful consideration of all the matters to which I have taken the liberty to allude. Permit me to assure you of my highest respect and of the keen desire that we entertain in America that you should visit us again at an early date.

"CHARLES E. HUGHES."

"LONDON, *December 18, 1921.*

"MY DEAR MR. HUGHES: At the moment of my departure for London, Mr. Herrick handed me your friendly telegram in regard to the difficulties which have arisen in the Naval Disarmament Commission in reference to the tonnage of capital ships which have been asked for by the French delegation.

"You fear that the maintenance of this French request may have as its effect to hinder the agreement between the five powers.

"The will of the French Government is to do everything which is compatible with the care of the vital interests of France with a view to reconcile our points of view.

"In the question of naval armament, the preoccupation of France is not the offensive point of view but uniquely the defensive point of view.

"With regard to the tonnage of capital ships—that is to say, attacking ships, which are the most costly—I have given instructions to our delegates in the sense which you desire. I am certain that I shall be sustained by my Parliament in this view.

"But so far as the defensive ships are concerned (light cruisers, torpedo boats, and submarines) it would be impossible for the French Government, without putting itself in contradiction with the vote of the chambers, to accept reductions corresponding to those which we accept for capital ships under this formal reserve which you will certainly understand.

"The idea which dominates the Washington conference is to restrict naval armaments which are offensive and costly. But I do not believe that it is the program to deny to a nation like France, which has a large extent of coasts and a great number of distant colonies, the essential means of defending its communications and its security.

"I am certain, my dear Mr. Hughes, that you will appreciate the effort of conciliation which we are making in order to respond to your request.

"I beg you kindly to accept my cordial remembrances and the ardent wish which I form for the complete and striking success of the conference over which you preside with so much authority and brilliancy.

"BRIAND."

The chairman stated that he had understood the attitude of the French Government in substance to be that it was not so much preoccupied with the question of capital ships as it was concerned with auxiliary vessels such as light cruisers, destroyers, and submarines. Capital ships were very costly and he had understood that in this regard the French Government was willing to accept a solution in the sense which he, as chairman, had desired, but that it could not accept a corresponding reduction with regard to auxiliary craft.

Then had followed a discussion of the desire voiced by Admiral de Bon that France should have six instead of five capital ships and that an arrangement should be reached with respect to auxiliary vessels before any decision was made concerning capital ships. Admiral de Bon had submitted very complete and important figures in connection with France's replacement problem, the

difficulties of constructing several ships at once in her dockyards, and the consequent desire of the French Government to begin building in 1927 and to lay down one ship annually until the French quota was filled.

There had been some question as to whether, in the correspondence passing between Mr. Briand and the chairman, Mr. Briand had conditioned his acceptance of the capital-ship tonnage proposed for France (175,000 tons) upon the making of a satisfactory adjustment with reference to auxiliary combatant surface craft and submarines or whether he had unconditionally accepted the proposed capital-ship tonnage for France (175,000) but at the same time had made a full reservation that such acceptance should in no way prejudice the position as to auxiliary combatant surface craft and submarines which the French might desire to take. He (the chairman) had understood it in the latter sense. He had not understood that it was in any way necessary to come to an understanding with regard to lighter craft before reaching an agreement concerning capital ships, but had understood that nothing that was decided in regard to the capital-ship ratio should be considered as involving a concession as to auxiliary vessels.

The chairman stated that he had had no desire to detract in any manner from the French reservation or to build anything upon a phrase, but he had not thought it necessary to wait for a decision regarding lesser craft before reaching a provisional agreement on capital ships. Upon this point the subcommittee had desired to know fully the views of the French delegation.

When this point in the deliberations of the subcommittee had been reached it was realized that it was not dealing with exclusively technical matters, and he had accordingly suggested that there were no reasons why these discussions should not proceed before the full committee, as many of the delegates not present on the subcommittee would like to hear them. It was not necessary to be a naval expert—which he himself made no pretense of being—in order to take part, and he felt a little reluctance at having the discussions proceed while the other delegates were absent. It had therefore been decided to continue the discussions in the full committee, inviting the technical naval experts to sit with the delegations. This meeting had then been called.

The chairman stated further that he could not possibly do justice to the elaborate statements made by Admiral de Bon, who had presented detailed arguments in support of every phase of the French Government's position. The chairman therefore had merely given an outline of the whole situation and would not attempt to go into details. He desired only to set forth the main points, so that the committee might have a basis upon which to proceed. To sum up, therefore, his understanding was that France

was ready to accept the limit of 175,000 tons for capital ships, but distinctly reserved her decision with regard to auxiliary vessels and submarines and was not willing to have her acceptance taken in any way as implying an agreement to a corresponding figure for auxiliary vessels.

The chairman then pointed out that the committee was uninformed with regard to what tonnage of lighter craft, destroyers, submarines, etc., the French Government desired. He felt that a statement from the French delegation on this point would now be useful. In saying his, however, he, of course, did not wish to foreclose discussion by others of the points he had already set forth.

The chairman added that he regretted to find he had omitted a point which should have been included in his review. It was quite apparent that it was impossible to foresee the future development of naval construction and of scientific researches, or what new political conditions might arise with relation to other powers not represented here. Consequently the opinion had been generally expressed that there should be another conference after 10 or after 7 years to reconsider questions that might result from new conditions produced through scientific or political developments or to deal with questions raised by or between powers not represented at the conference here. This did not mean that this present conference should not arrive at a decision fixing definite points of agreement. It meant that the present gathering might provide for a later conference to consider new phases and developments at a later date. He added that Mr. Balfour had suggested that the American Government should prepare and submit a draft statement regarding the calling of a new conference, and that this suggestion had been accepted.

In conclusion the chairman said that he thought he had now reviewed all that was necessary and that he would accordingly invite discussion.

Admiral de Bon said that he had nothing to add to the very clear presentation that had just been made by the chairman; he only asked permission to add a few words for the benefit of the delegates who had not been present at the meetings of the subcommittee in order to make entirely clear to them the spirit of the French demands.

When the French delegation had been called upon to formulate their views on the program for the reconstruction of the future force of France in capital ships, they had first pointed out that the coefficient which had served as a basis for the future naval forces of the British, Japanese, and American Navies could not be used for calculating the future naval force necessary for France.

The reason for this was obvious; this coefficient had been deduced from calculations based on the considerable increases in the three navies, whereas the French Navy was in a situation which demanded special consideration; it was far behind its normal program and even below its normal condition.

France had, in point of fact, already considerably reduced her fleet, while, during the same period, the American Navy had increased 48 per cent and the Japanese Navy 26 per cent. Before the war Great Britain had been obliged to build, in order to meet the threat of Germany; then the United States and Japan threw themselves into that armament race which had been one of the chief reasons for this conference. This coefficient could not, then, with justice and equity, be applied to France; she must suggest another method of calculation.

Her naval strength was at present composed of 10 vessels (including 3 predreadnaughts), the replacement of which was contemplated by France. As soon as she had been informed that predreadnaughts were not to be counted, she had agreed to limit herself to 7 ships.

France did not contemplate the immediate construction of a fleet of 10 battleships of 35,000 tons, but only the adoption of a program which would permit the replacement of the ships existing to-day from time to time as they should become obsolete, in accordance with the dates specified in the American scheme and based upon the normal life of vessels.

Such a program could not be completed before 1941. France could not allow herself to disappear from the number of the maritime powers, but she had never had the intention of constructing 10 vessels within a short time; her program had in view a gradual increase covering the period up to 1941, which indicated that her ambition was not inordinate.

At the last session the French delegation had finally agreed to consider a substantial reduction of their demands, leaving France with only 5 capital ships, with the reservation that they would ask a reconsideration of the point by the delegation, since 5 vessels did not constitute a tactical unit, the minimum of the weakest squadron that ever existed being 6 ships.

If France remained with only 5 ships, she would be practically disarmed from a naval point of view; with 6 ships she would be weak, but could still create a living organization.

The proposals which have been made by the French delegation, in conformity with instructions received, were based upon the above principles.

This enormous concession had been made for the sake of the success of the conference; it had left France in a serious situation, and it had as a consequence created the imperative need

that she should have a greater number of light craft and submarines. Under these circumstances the French delegation believed the future constitution of the French fleet would have to be considered as a whole and could not be divided into two parts—capital ships on the one hand and light craft and submarines on the other.

Such a method would be required not only for the French fleet but for all the navies. The chairman had pointed out that at this juncture it would be desirable for France to make known her requirements as to submarines and light craft; the French delegation were disposed to do so; correspondence was in progress with the French Government, and a telegram was expected which would make known the results of the decisions reached. The question was a very serious one, and before definite figures could be presented they should receive the sanction of the Government.

If concessions should be demanded in the matter of light craft and submarines, the great concession that had been made in regard to capital ships should be borne in mind and the security of France and the limitations of her normal naval existence should not be lost sight of.

In considering the problem as a whole, the French delegation were confronted by a question, raised by the British delegation, in regard to the necessity for abolishing or retaining the submarine. It appeared to the French delegation that in discussion this matter took precedence over the others, since it might embarrass their labors or nullify their results. It was desirable to make rapid progress, and the delegation believed that the first thing to do was to discuss the submarine question; this was the natural sequence of things, and this question should be taken into serious consideration and be made the subject of a very frank debate.

In conclusion, the French delegation desired to state its conviction that the discussion could not be pursued without taking into account the question of submarines.

The chairman stated that he wished to make a suggestion in order to avoid the possibility of any misapprehension. The proposal made by the American Government at no time contained any suggestion as to the exact number of ships any power might build in replacement. It had said how many ships the United States, Great Britain, and Japan should discard and how many they should retain. The calculations regarding replacement were based entirely on tonnage. What had been said regarding the number of capital ships had simply been inferred from calculations based on the tonnage figures. It had not been stated in the American proposal that the reduction to 175,000 tons for France and Italy would limit them to five ships. That conclusion was a deduction by the French and Italian delegations. Using 35,000

tons as the necessary size of a capital ship, it was evident that the result would be five ships. But no country was required to build vessels of that tonnage. The French Navy had at present seven capital ships totaling 164,000 tons. There was no objection to France having six or seven ships, or whatever number she desired. The chairman could understand the desire to have all ships built of the maximum size, but that was a matter of preference and was in no sense obligatory. He pointed out that there was therefore no question as to the number of ships; it was a question of tonnage only—a question of whether France should have 175,000 tons or should be allowed six ships of 35,000 tons, which would mean a total of 210,000 tons.

The chairman then referred to Admiral de Bon's suggestion that there should be a preliminary discussion regarding the abolishment of submarines. The committee greatly desired, he felt, to proceed with the discussion concerning auxiliary craft as soon as the French delegation were prepared to state what France desired in that regard. Without such a statement there was nothing upon which to proceed save the original American proposal. Italy desired equality with France, but the standard on which such equality must be based was not before the committee. The committee must therefore wait until the French delegation were ready to present their particular proposal. After that the discussion would continue.

Admiral de Bon said he desired to add but one word to what he had already said. He did not believe it possible, when the question of the French Navy was considered, that anybody could believe France so foolish as to construct small capital ships; that is to say, those inferior to 35,000 tons. If France should later find herself obliged to construct vessels of war—although she had not yet expressed her intention of doing so—she must certainly build vessels equal in strength to the capital ships of other navies. In other words, to impose upon her a maximum of 175,000 tons would be equivalent to limiting her to five boats. With respect to this there could be no hesitation, he said, in the minds of properly informed persons. The total amount of tonnage must change, whether they built five or whether they built the proper organic force of six. Concerning these questions a certain delay had arisen because Mr. Briand was at the moment somewhere between London and Paris and under such circumstances consultations were difficult or impossible. He now came, he said, to the question of submarines. Whether they were to be abolished or not, in view of the fact that nothing could be done without clearing up this point, he suggested that the matter should be taken up immediately; it would forward the work of the conference to do so.

Lord Lee said that he rose to clear up an important point with reference to the prospective conference to be held seven years hence, or it might be earlier. The justification for the conference arose from the inevitable development of technical aspects of the naval problem, which might render technical decisions now made either obsolete or inadequate. Among such technical questions he put that of numbers as opposed to tonnage as a basis of calculation for capital ships. Moreover, in seven years' time 35,000 tons "legend draft" might prove no longer a useful rule as to the limitation of individual capital ships. These questions of technical proportions he proposed should be left open for reconsideration at the future conference.

Senator Schanzer asked that he be allowed to make a few remarks on the subject of future meetings. Italy, of course, was in sympathy with the proposal for a meeting in seven years, and could understand that it might be necessary to discuss and review the work done at this conference. He suggested, however, but only in an informal way, that room be left in the agreement for a clause which would permit any one of the signatory powers to ask for a meeting at any time prior to the conclusion of the seven-year period. He pointed out that while scientific changes were sure to take place, political changes were also quite possible. He was not thinking, he added, of Germany, since Germany would be held in restraint by the terms of the treaty of Versailles, but of Russia. No one knew what Russia might do. He suggested, therefore, that there be an agreement for a meeting in seven years, but that the right be reserved to call one at an earlier date.

Mr. Balfour questioned whether the moment was suitable for a discussion on the question of the next conference. He understood that his own suggestion that the United States delegation should draw up a resolution on the subject for later consideration had been acceptable for the purpose of giving effect to the general policy of all the powers represented here. He was sure that the United States Government would consider the question of the date from the point of view not only of possible technical developments but also of those considerations of international polity which Senator Schanzer had very properly referred to. He himself would prefer an interval of eight rather than seven years, but perhaps it would be better to adjourn the discussion until the proposal of the United States Government was available.

The chairman observed that a point had been reached where the French delegation were not prepared to present a definite proposal with regard to lighter craft and desired a discussion of the question of submarines, which it was understood the British

Government desired to have abolished. The British delegation, however, not having expected this subject to arise so soon, were not yet ready to introduce it. If it would be convenient for the members of the committee to meet at 3 o'clock that afternoon, progress might be made with the submarine question. He wished neither to hasten his colleagues unduly nor to take the responsibility of delaying the proceedings when there was so much to be discussed.

Mr. Sarraut said that the French delegation would raise no difficulties with respect to holding a session of the committee during the afternoon, but in regard to the definite statements referred to by Mr. Hughes they could not undertake to have the matters in question ready. The reason was obvious. Mr. Briand was to arrive in Paris that afternoon. It had been impossible to keep him informed with respect to the negotiations here. Always faithful to France's aim of seeking to reconcile opposing views, an accord was looked for which would satisfy the United States and the other powers. He could say that the French program would be carefully revised, but with respect to the second part of the question—i. e., that concerning submarines and auxiliary ships—although their views had been transmitted to Paris they could not act without the approval of the French Government. They expected to receive an early answer, but in the natural course of things this could not be expected during the afternoon. This was because Mr. Briand was only then leaving London and would be obliged to consult on his arrival with the French minister of marine. With these reservations he accepted the proposal of a meeting that afternoon. Or, if the British delegation so desired and were ready to proceed, the French delegation were ready to continue immediately with the discussion of the submarine question.

The chairman remarked that as the information necessary would soon be available and as the conference now had its attention focused on the naval question, to break away from this and return to far-eastern questions would interrupt proceedings and cause an unfortunate delay. While not wishing in any way to hurry his colleagues and while, of course, there should be a full opportunity for consultation and consideration, it would seem that the committee should meet again promptly in order to make progress. He, therefore, merely wished to inquire whether it would be more convenient to meet that afternoon or the following morning.

That afternoon at 3 o'clock was the time agreed upon.

The chairman suggested that the communiqué should state that the progress already made in the subcommittee had been reported

to this committee, which had then discussed the matter and adjourned to continue the discussion that afternoon at 3 o'clock.

The meeting adjourned at 12.45 p. m. until December 22, 1921, 3 p. m.

FIFTH MEETING, THURSDAY, DECEMBER 22, 1921, 3 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint.

France.—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Oden'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi and Commander Hori.

The secretary general, assisted by Mr. Paul and Mr. Osborne. Interpreter, Mr. Camerlynck.

1. The fifth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building at 3 p. m. Thursday, December 22, 1921.

2. The following were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and advisers present included: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pon-

sot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, accompanied by Mr. Paul and Mr. Osborne, was present. Mr. Camerlynck was present as interpreter.

4. The chairman, Mr. Hughes, announced that the committee was ready to continue the discussion begun at the morning's session.

Lord Lee said that, as he understood it, the present position was one of agreement between the five powers in regard to the ratio of capital ships, but that all the powers were equally uncommitted on the subject of submarines, small craft, and auxiliaries. Hence he agreed with Admiral de Bon that it was justifiable to begin by clearing up the question of principle as to the future of submarines. To the British Empire the question of submarines was one of transcendent importance. He therefore regretted that any difference of opinion should have arisen on the subject and that submarines should have become the only question on which the British delegation was out of sympathy with the American proposals, and, perhaps, also with the views of France and other powers. He felt, therefore, that it was incumbent upon him to explain and justify British opinion. He wished to present as few figures as possible, but he felt it was necessary to mention the following as the basis of his statement. The figures as regards submarines were as follows:

	Existing tonnage.	The American proposals.	Amount of new build- ing per- mitted under the American proposals.
The United States of America.....	83,500	90,000	6,500
Great Britain.....	80,500	90,000	9,500
Japan.....	32,200	54,000	21,800
France.....	28,360	(¹)	(¹)
Italy.....	18,250	(¹)	(¹)

¹ In proportion.

He felt bound to say that it seemed to him very strange to put before a Conference on the Limitation of Naval Armaments proposals designed to foster and increase the type of war vessels which, according to the British view, was open to far more objection than surface capital ships. Moreover, it would be a certain consequence, if submarines were retained, that the powers which possessed large mercantile marines would be compelled to increase the numbers of their antisubmarine craft. This would give but little relief to the overburdened taxpayer and would provide

scant comfort to those who wished to abolish war and to make it less inhumane.

The view of the British Government and the British Empire delegation was that what was required was not merely restriction on submarines, but their total and final abolition. In explaining the position he wished to make it clear that the British Empire delegation had no unworthy or selfish motives. He would first like to reply in advance, since this might be his only opportunity of doing so, to the arguments of the friends of the submarine. He understood their first contention to be that the submarine was the legitimate weapon of the weaker powers and was an effective and economical means of defense for an extensive coast line and for maritime communications. Both these standpoints could be contested on technical grounds and, as he would show, were clearly disproved by recent history. If some weak country possessed an exposed coast line, it would, of course, desire to defend it against bombardment or the disembarkation of a military force.

It was necessary to ask, therefore, how such attacks were conducted in modern warfare. The reply was that they were conducted by powerfully armed, swift-moving vessels, fully equipped to resist submarine attack, and to escort and protect the convoys of military transports. There was no branch of naval research which had more closely engaged the attention of experts than the counter offensive against the submarine. He was giving away no secrets when he stated that the methods of detection, of location, as well as of destruction of submarines had progressed so much further than the offensive power of the submarines themselves that the latter had now already a reduced value against modern surface warships. This, however, was bringing him into somewhat technical subjects. During the late war Germany had concentrated her naval effort on the production and use of U-boats and had built up the most formidable submarine fleet that the world had ever seen before or since. He believed that Germany had employed, in all, no less than 375 U-boats of 270,000 tons in the aggregate. Of these, no less than 203 had been sunk. What had these U-boats accomplished in legitimate naval warfare? It was almost insignificant. In the early part of the war a few obsolescent ships, which sometimes were not taking proper precautions, had been sunk, but the British Grand Fleet throughout the war had not been affected; not one single ship had been sunk or hit by the action of submarines, whether at sea or in harbor. Its surface squadrons had swept through all parts of the North Sea, and wherever the sea had been clear of mine fields had gone where they wished, undeterred by the submarine. Submarines had not prevented the passage of troops across the sea. No less than 15,000,000 British troops had crossed and recrossed the English Channel during the war, and not one man had been lost from the

action of submarines except on board hospital ships, which in the twentieth century it had been deemed would be immune from the attacks of submarines and therefore had not been escorted.

During the latter part of the war some 2,000,000 United States troops had been brought across the Atlantic, and the submarine had proved equally powerless to prevent them. In fact, the U-boat, whether considered as an offensive or defensive weapon, against any sort of organized naval force had proved almost contemptible.

It had been maintained that submarines were useful for the defense of coast lines and communications with colonies. He gathered from the press that this was one of the arguments used, and so it would have to be examined. If the argument was sound, and if submarines were essential for this purpose, there was no country which would need them so much as the British Empire, which possessed a coast line which, without wishing to boast, he believed was almost as large as that of all the four other powers present at this conference put together, and the length of which was four times the circumference of the globe, and which, in addition, had the longest trade routes of any country to protect. It was partly because experience had shown that they were not effective for this purpose that the British were ready to abandon submarines. The late war had made it abundantly clear that the greatest peril to maritime communications was the submarine, and that peril was specially great to a country which did not possess command of the sea on the surface. Hence, it was to the interest of any such power to get rid of this terrible menace. And in this connection it must be remembered that the submarine was of no value as a defense against submarines. It was against merchant ships alone that they achieved real success.

It would be as well to recall what the German submarine fleet had accomplished against mercantile marines. No less than 12,000,000 tons of shipping had been sunk, of a value of \$1,100,000,000, apart from their cargoes. Over 20,000 noncombatants—men, women, and children—had been drowned. It was true that this action had been undertaken in violation of all laws, both human and divine. The German excuse for it had been its effectiveness. They had used the same argument in the case of poison gas, which had set a precedent for unscrupulous nations, which appeared likely to endure for all time now that nations had been driven to resort to it. The menace of the submarine could only be got rid of by its total banishment from the sea. That was the intention of the treaty of Versailles, which had forbidden Germany to construct submarines, whether for military or mercantile purposes. Was it to be assumed, Lord Lee continued, that Germany was always to be bad and the other powers were

always to be good? Was there to be one rule for Germany and another rule for the rest of the world? In saying this he was not casting any reflection on any nation, and least of all on the officers and men of the submarine fleets. These men were the pick of their service, gallant and high-minded men, but they were obliged to obey orders; and experience had shown that occasionally governments could go mad. The view of the British Empire delegation, therefore, was that the only proper course was the abolition of submarines. Their limitation was not sufficient. Another objection to limitation was that a submarine fleet could so very rapidly be expanded in time of war. Submarines could only be built if the industry were kept alive, and personnel could only be provided if a trained nucleus existed. Hence it was only by means of abolition that this menace to the mercantile marine of the world could be got rid of. He had said earlier in his remarks that the British delegation were animated by no selfish motives. At the same time it would be foolish not to recognize that Great Britain was the nation most exposed to the menace of the submarine. So long as submarine warfare continued it would be the greatest menace to the food supplies on which that country was dependent.

The British people lived in a crowded island whose soil only produced two-fifths of its supply of food. For the remaining three-fifths they relied upon sea communications. On an average only seven weeks' stocks were maintained in the country. By far the greatest anxiety which the British Government had felt during the war was to prevent the reserves of food falling to zero. Was it surprising, therefore, if, with a danger in front of them as great as any to which Mr. Briand had so eloquently explained France was subject, the British people protested against a weapon which was the negation of humanity, chivalry, and civilization itself? There were some people who said it was this vulnerability of Great Britain which justified the retention of the submarine, since it was by these means alone that the British Empire could be stricken down. The late war had shown, however, that the British Empire was not easily stricken down, and, if war should ever come again, he imagined that means would be found for Great Britain to save itself from starvation. But, it might be claimed, if the U-boat had begun its operations earlier or had had better luck, the result might have been different. To this he would reply that the British Navy had constituted the keystone of the allied arch; but for the British Navy France would have been ruined, Belgium and Holland would have been overrun, and even the United States of America, self-contained, self-supporting, with all its vast resources, would have been impotent to intervene and might have had to abandon its Army and all that it had in France, or else to make a humiliating peace.

That would not have been a disaster to Great Britain alone. That was why he resented the idea, which had been published in a part of the press, that the British plea for the abolition of submarines was merely a selfish and unworthy design. It had been suggested that the conditions of the late war might never recur. Could France be so sure of this? Could France run the risk of a disaster to her near neighbor, and only certain ally, if the situation of 1914 were ever reproduced? It was necessary to take long views in this matter, and the British Empire delegation believed that they were fighting the battle, not only of the allied and associated powers, but of the whole civilized world in advocating the abolition of the submarine.

He felt sure that some one would ask, How can we feel sure that, if we abolish submarines, other powers who are not represented here will not proceed with the building of submarines? The same question might be asked as to the other classes of craft mentioned in the American scheme. He found it impossible to believe that other powers would set themselves against the opinion of the rest of the civilized world regarding this particular weapon. If, however, the great naval powers should at some future date find themselves exposed to piracy by the action of some smaller power, surely they would find the means of bringing Nemesis to the transgressor. World opinion was a very powerful weapon, and certainly some means would be found by which the great naval powers could protect themselves if necessary. It was said that submarines were a cheap method of warfare. Surely this conference did not desire to make war cheap? When war had been cheap it had been almost continuous. He hoped the submarine would not be defended because it would be a weapon within the reach of all. It might perhaps be cheap for the aggressor, but it was not so for the victim.

The average number of German submarines operating at any one time on the Atlantic approaches to France and Great Britain during the late war had not been more than nine or ten, but Great Britain had had to maintain an average of no less than 3,000 antisubmarine surface craft in order to deal with these. It could be seen, therefore, that it was a very expensive form of war for the defender. The British Empire delegation were anxious to contribute toward the ideals of the present conference. They desired not only a limitation of armaments but also a limitation of expenditures, which constituted so great a burden in time of peace. That was why Great Britain, which had the tradition of possessing the greatest navy, had welcomed the proposals for curbing capital ships. What would be gained, however, if this competition were merely transferred to submarines? Certainly not much, and meanwhile the submarine threatened Great Britain's very life and existence. But, if the submarine were

abolished, the British Empire delegation could accept, with modifications in detail, practically the whole of the American proposals in regard to the lightening of these burdens.

Lord Lee said he was not impressed with the argument that because it was found impossible to deal effectively with poison gas or air bombs, which were by-products of essential industries, it would be impossible to deal with the submarine. The submarine was not a by-product of any industry, but was essentially an offensive weapon. He, therefore, said that it could be, and ought to be, abolished. It was a weapon of murder and piracy, involving the drowning of noncombatants. It had been used to sink passenger ships, cargo ships, and even hospital ships. Technically the submarine was so constructed that it could not be utilized to rescue even women and children from sinking ships. That was why he hoped that the conference would not give it a new lease of life.

He had endeavored to prove that the submarine was only to a limited extent a weapon of defense, that for offense it was only really valuable when used against merchant ships, and that it constituted the greatest peril to which the mercantile marine of the world was exposed. For defense he did not say it was wholly useless, but merely inefficient, and that its disadvantages greatly exceeded its advantages except for war on the mercantile marine. The submarine was the only class of vessel for which the conference was asked to give—he would not say a license, but permission to thrive and multiply. It would be a great disappointment if the British Empire delegation failed to persuade the conference to get rid of this weapon, which involved so much evil to peoples who live on or by the sea.

To show the earnestness of the British Government in this matter, Lord Lee pointed out that Great Britain possessed the largest and probably the most efficient submarine navy in the world, composed of 100 vessels of 80,000 tons. She was prepared to scrap the whole of this great fleet, to disband the personnel, provided the other powers would do the same. That was the British offer to the world, and he believed it was a greater contribution to the cause of humanity than even the limitation of capital ships.

However, it was useless to be blind to the facts of the position, and he hardly hoped to carry with him all the powers present at that table, though he believed that in the end all civilized powers would come round to the British point of view. In any event, the British Empire delegation did not intend that the settlement in regard to capital ships should be affected if they failed to carry their point in regard to the abolition of submarines. Should he fail to convince his colleagues he would nevertheless welcome any suggestions for the reduction and restriction of submarines which they might like to make, and, in particular, he would await with

the greatest interest the proposals of his French colleagues, which had been promised earlier in the day.

The chairman said that he did not intend then to comment upon the very able and powerful argument of Lord Lee, to which the members of the committee had had the privilege of listening, but he merely wished to interpolate a statement giving the figures supplied by the American naval experts and upon which the American proposal was based, concerning the submarine tonnage built and building, since these figures did not appear to coincide with those referred to by Lord Lee. According to the American figures, this tonnage was as follows:

	Tons.
United States-----	95,000
Great Britain-----	82,464
France-----	42,850
Italy-----	20,228
Japan-----	31,400

The United States had, therefore, 95,000 tons, which it was prepared to reduce. The reduction was slight. But it was a reduction. It was, of course, not the intention to increase but to reduce.

Lord Lee said that he regretted if any of the figures he had given had been inaccurate.

Mr. Sarraut said the British Government had shown clearly its views regarding submarines; he then read the following declaration of the views of the French Government:

"The French Government has already set forth its views with regard to the question of submarines, first, during the discussions preliminary to the treaty of Versailles and also before the League of Nations, when the representative of the British Government opposed the granting of submarines to the small Baltic powers. In both of these instances the point of view favoring the inclusion of submarines in the naval forces of States met with the almost unanimous approval of the various Governments represented.

"France believes that the submarine is the only weapon which at present permits a nation scantily supplied with capital ships to defend itself at sea. For France, therefore, the submarine is an essential means of preserving her independence which she can not give up, especially in view of the sacrifices to which she has been asked to consent in the matter of capital ships. Moreover, in the present state of the development of naval science the submarine can not suffice to assure the control of the seas to a belligerent, even if that belligerent possesses a great superiority in submarines. It is not, therefore, a weapon making for supremacy.

"The French Government believes that every method of warfare may or may not be employed in conformity with the laws

of war and that the inhuman and barbarous use made of the submarine by a belligerent in the late war is a reason for condemning that belligerent but not for condemning the submarine.

"As submarines are particularly subject to withdrawal from service in war time, the restriction within a certain limit of the total tonnage of these vessels which a maritime nation may build would have to a lesser degree the same effect as their total abolition, and should be declined for the same reasons.

"The French Government has already stated that it can not accept an agreement based on the principle that the total tonnage of submarines which a nation may build should be in direct proportion to the capital ship tonnage of that nation. In its opinion, the contrary point of view is the rational one, since a nation would be deprived of the protection which would be afforded her by capital ships.

"The French Government believes that it is possible to reconcile the use of submarines with the laws of humanity. From this point of view large submarines have the advantage of being able to rescue the crews of torpedoed vessels or to furnish prize crews to captured vessels.

"The French Government is obliged to assume eventually the defense of its numerous colonies, some of which are far distant from the mother country. In view of this fact and also in order to safeguard its lines of communication with the colonies it must possess submarines with a very large cruising radius and consequently with appropriate dimensions.

"For these reasons the French Government can not consent to accept either the abolition of submarines or a reduction of the total tonnage of submarines which it considers to be the irreducible minimum necessary to assure the safety of the territories for which it is responsible, or a limitation of the individual tonnage of submarines."

Senator Schanzer said he had listened with the greatest attention and sympathy to Lord Lee's important speech.

In the name of the Italian delegation he wished to declare his great sympathy with anything that could make war less inhuman.

The Italian delegate in the subcommittee for poison gas, in this same conference, had proposed the abolition of the use of poison gas in warfare. The submarine question was mainly one of a technical nature. Lord Lee had asserted that submarines were not an efficient means of defense. The Italian naval experts did not share this opinion. They thought that the submarine was still an indispensable weapon for the defense of the Italian coasts, which had a very great extent and along which some of the largest cities, the principal railways, and a number of the most important industrial establishments were situated.

The Italian naval experts were furthermore of the opinion that submarines were necessary to protect the lines of communication of their country, which for the greater part depended upon the sea for its supplies. The Italian delegation was not ready at that time to resolve these questions of a technical character.

Senator Schanzer ventured to observe, moreover, that the Italian delegation did not think this conference, in which only five powers were represented, could settle the question of submarines which concerned many other powers not represented here. For these reasons, and in spite of its appreciation of the humanitarian arguments brought forward by Lord Lee, the Italian delegation were not in a position at the present time to associate themselves with the proposal for the abolition of submarines and were not authorized to do so.

Mr. Hanihara said that he had listened with great interest to the able and highly instructive and impressive argument of Lord Lee for the abolition of submarines: The Japanese delegation yielded to none in condemning such atrocious and lawless use of submarines as was resorted to by Germany in the late war. They believed that the sinking of merchant vessels without proper warning had no justification whatever, and they felt called upon to insist on such international rules as would effectively prevent the future recurrence of similar barbarious acts from submarines. Such was the conviction of the Japanese delegation.

However, as legitimate defensive weapons, submarines did not, in the opinion of the Japanese delegation, materially differ from destroyers. The popular idea was that submarines menaced and sank peaceful merchant marines without warning; their legitimate uses were apparently lost sight of. Submarines in their legitimate employment were no more atrocious than poison gas or air bombs. Moreover, when employed as a means of coast defense, submarines were like movable mines and thus constituted an effective defensive weapon. Of course, the unrestricted use of mines against merchant ships in the open sea would be as dangerous as the sinking of ships without warning by submarines.

Mr. Hanihara said he thought it was clear from these observations that submarines could not be considered as an illegitimate weapon. Any weapon might become illegitimate if used without restriction. For the protection of an insular nation like Japan submarines were relatively inexpensive and yet effective; but the Japanese delegation would insist, at the same time, upon more vigorous international rules governing their proper uses. The recurrence of cruelties committed by submarines during the recent war should by all means be avoided.

The chairman observed that, as had been indicated by the remarks of the delegates, he thought that all could not fail to be deeply impressed by the statement of Lord Lee, supported as it was by the very definite statement of facts as to the use of submarines. He thought that one clear and definite point of view emerged on which all were agreed, namely, that there was no disposition to tolerate on any plea of necessity the illegal use of the submarine as practiced in the late war and that there should be no difficulty in preparing and announcing to the world a statement of the intention of the nations represented at the conference that submarines must observe the well-established principles of international law regarding visit and search in attacks on merchant ships. Much could be done in clarifying this position and in defining what uses of submarines were considered contrary to humanity and to the well-defined principles of international law. The recommendation might go further, not only regarding what were conceived to be the rules regarding use of submarines but also what the limitations upon their use should be.

The chairman understood that the crux of the controversy was as to the use of the submarine as a weapon of defense. Lord Lee had said that it was of little value as such, and hence that its continued use should not be tolerated. Lord Lee had pointed out that there were only five nations present. The chairman could not agree, however, that these were in the same position regarding submarines as they were regarding capital ships, since in the matter of capital ships they represented the potency of competition, whereas when dealing with submarines—a more cheaply made weapon—they were dealing with what other nations could produce, if they chose. Even if they were ready to adopt the principle suggested by the British delegation, they would still have to await the adherence of other nations.

Upon the question whether the submarine was of value for defense, each nation must take the opinion of its naval experts. Indications of differences of opinion had already been manifested. He would not at this time make any announcement of the position of the United States, except to add to the expressions of detestation of the abuse of the submarine and of the methods—the illegal methods, as they have been continually called—of their employment during the war.

He wished, however, to read a report. The President had appointed an Advisory Committee to aid the American delegation. The members of that committee were gathered together, men and women, from all fields of activity, from all parts of the country, and represented every shade of public opinion. That committee had considered this subject, and the subcommittee to which it was

referred was headed by a distinguished admiral of the American Navy. The report was debated in full committee and was unanimously adopted—even by those who were prepossessed against the submarine. He read this report, not as an opinion of the American Government, but as a report of the Advisory Committee, which was created in order that the American delegates might be advised as to public opinion.

The chairman then read the following report on submarines adopted by the Advisory Committee of the American delegation on December 1, 1921:

"In the recent World War the submarine was used in four general ways:

"(a) Unlimited use against both enemy and neutral noncombatant merchant vessels.

"(b) Use against enemy combatant vessels.

"(c) Use as mine planters.

"(d) Use as scouts.

"Whatever is said about unlimited warfare by submarines is also true of unlimited warfare by surface craft, provided the combatant wishes to violate the rules of war. The confederate cruisers destroyed all property, but not lives. The English expected the Germans in the latter part of the World War to use surface craft for unlimited warfare, and had provided means to offset this. However, the Germans, with one exception, were unable to get out of the North Sea. The *Moewe*, a surface ship, sank almost all merchantmen that she came into contact with, saving the lives of the crews. So that unlimited warfare is not necessarily an attribute of the submarine alone.

"*Submarines against commerce.*—The unlimited use of submarines by Germany against commerce brought down upon her the wrath of the world, solidified it against the common enemy, and was undoubtedly the popular cause of the United States entering the World War.

"The rules of maritime warfare require a naval vessel desiring to investigate a merchant ship first to warn her by firing a shot across her bow, or in other ways, and then proceed with the examination of her character, make the decision in regard to her seizure, place a prize crew on her, and, except under certain exceptionable circumstances, bring her to port, where she may be condemned by a prize court.

"The rules of procedure (1917) as laid down for United States naval vessels when exercising the right of visit and search make no exception in favor of the submarine. In the early part of the World War the German submarines exercised this right of visit and search in the same manner as surface vessels. When sunk, the papers and crew of merchant ships so visited were saved. Later, when the cases came up in a German prize court sitting

on appeal at Berlin, the responsibility of the German Government was often acknowledged and indemnities paid. When unlimited submarine warfare commenced, in some cases where necessary evidence was produced by the owners making claim in the prize court, the court decided that the matter was outside the pale of the prize regulations, though it did not deny the justice of the claim.

"Assuming that a merchant ship may be halted by a submarine in a legitimate fashion, it becomes difficult because of limited personnel for the submarine to complete the inspection, place a prize crew on board, and bring her into port. It is also difficult for her to take the passengers and crew of a large prize on board should circumstances warrant sinking the vessel. However, these remarks are applicable to small surface crafts as well.

"During the World War, on account of the vulnerability of the submarine and on account of the probability of its sinking the vessels it captured, the tendency was for all merchant ships (including neutrals) to arm themselves against the submarine. Such action greatly hampers the activity of the submarines and tends toward illegal acts both by the merchant vessels and by the submarines. In other words, the general tendency of submarine warfare against commerce, even though starting according to accepted rules, was sharply toward warfare unlimited by international law or any humanitarian rules. This was because the vulnerability of the submarine led the Germans to assume and declare she was entitled to special exemptions from the accepted rules of warfare governing surface craft. The merchant ship sank the submarine if it came near enough; the submarine sought and destroyed the merchant ship without even a knowledge of nationality or guilt.

"Submarines were largely responsible for the extensive arming of merchant vessels, neutral and belligerent, during the World War. The average merchant vessel could not hope to arm effectively against enemy surface combatant vessels and as a rule submits to visit and search without resistance. Prospects of saving the ship and certainty of safety to personnel have caused them to accept as the lesser risk the visit of belligerent surface vessels. When, however, as in the World War, they met a belligerent submarine, with a strong probability of being sunk by that submarine, the law of self-preservation operated, and the merchant ship resisted by every means in its power. Defensive armament was almost sure to be used offensively in an attempt to strike a first blow. The next step was for each to endeavor to sink the other on sight.

"War on commerce by surface combatant craft causes change of ownership of merchant vessels only, provided the surface craft does not sink these ships, but these merchant vessels for the most

part remain in service; they are not destroyed. The world does not lose them. The object of war on commerce is not to destroy shipping but to deprive the enemy of its use. Submarine warfare on commerce, if unlimited in character, injures the enemy and greatly injures the world as well. The world is so highly organized and so dependent on ocean transportation that shipping is essential to livelihood; without it vast populations would starve.

"At present when war breaks out belligerent vessels tend to transfer to neutral flags and also to fly false flags. This hampers lawful warfare by submarines, as owing to their great difficulty in making the proper visit and search, it is thus impossible for them to prevent belligerent commerce from going forward.

"The net results of unlimited submarine warfare in the World War were (a) flagrant violations of international law, (b) destruction of an enormous amount of wealth, (c) unnecessary loss of many innocent lives, and (d) to draw into the war many neutrals.

"Unlimited submarine warfare should be outlawed. Laws should be drawn up prescribing the methods of procedure of submarines against merchant vessels both neutral and belligerent. These rules should accord with the rules observed by surface craft. Laws should also be made which prohibit the use of false flags and offensive arming of merchant vessels. The use of false flags has already ceased in land warfare. No one can prevent an enemy from running 'amuck,' but immediately he does he outlaws himself and invites sure defeat by bringing down the wrath of the world upon his head. If the submarine is required to operate under the same rule as combatant surface vessels, no objection can be raised as to its use against merchant vessels. The individual captains of submarines are no more likely to violate instructions from their Government upon this point than are captains of any other type of ship acting independently.

"*Submarines against combatant ships.*—Against enemy men-of-war the submarine may be likened to the advance guard on land, which hides in a tree or uses underbrush to conceal itself. If the infantry in its advance encounters an ambush, it suffers greatly, even if it is not totally annihilated. However, an ambush is entirely legitimate. In the same fashion a submarine strikes the advancing enemy from concealment, and no nation cries out against this form of attack as illegal. Its navy simply becomes more vigilant, moves faster, and uses its surface scouts to protect itself.

"The submarine carries the same weapons as surface vessels; i. e., torpedoes, mines, and guns. There is no prohibition of their use on surface craft and there can be none on submarines. Submarines are particularly well adapted to use mines and torpedoes. They can approach to the desired spot without being seen,

lay their mines or discharge their torpedoes, and make their escape.

"The best defense against them is eternal vigilance and high speed. This causes added fatigue to the personnel and greater wear to the machinery. The continual menace of submarines in the vicinity may so wear down a fleet that when it meets the enemy it will be so exhausted as to make its defeat a simple matter.

"The submarine as a man-of-war has a very vital part to play. It has come to stay. It may strike without warning against combatant vessels, as surface ships may do also, but it must be required to observe the prescribed rules of surface craft when opposing merchantmen as at other times.

"The submarine as a scout.—As a scout the submarine has great possibilities. It is the one type of vessel able to proceed unsupported into distant enemy waters and maintain itself to observe and report enemy movements. At present its principal handicaps are poor habitability and lack of radio power to transmit its information. However, these may be overcome in some degree in the future. Here, again, the submarine has come to stay—it has great value, a legitimate use, and no nation can decry its employment in this fashion."

Then followed a statement of the proposal of the United States for limitation of naval armament so far as submarines are concerned, as made at the opening session of the conference.

The report then continued:

"A nation possessing a great merchant marine, protected by a strong surface navy, naturally does not desire the added threat of submarine warfare brought against it. This is particularly the case if that nation gains its livelihood through overseas commerce. If the surface navy of such a nation were required to leave its home waters it would be greatly to its advantage if the submarine threat were removed. This could be accomplished by limiting the size of the submarine so that it would be restricted to defensive operation in its own waters. On the other hand, if a nation has not a large merchant marine, but is dependent upon sea-borne commerce from territory close abroad, it would be necessary to carry war to her. It would be very natural for that nation to desire a large submarine force to protect the approaches on the sea and to attack troop transports, supply ships, etc., of the enemy. Control of the surface of the sea only by the attacking power would not eliminate it from constant exposure and loss by submarine attacks.

"The United States would never desire its Navy to undertake unlimited submarine warfare. In fact, the spirit of fair play of the people would bring about the downfall of the administration which attempted to sanction its use. However, submarines act-

ing legitimately from bases in our distant possessions would harass and greatly disturb an enemy attempting operations against them. They might even delay the fall of these possessions until our fleet could assemble and commence major operations.

"It will be impossible for our fleet to protect our two long coast lines properly at all times. Submarines located at bases along both coasts will be useful as scouts and to attack any enemy who should desire to make raids on exposed positions.

"The submarine is particularly an instrument of weak naval powers. The business of the world is carried on upon the surface of the sea. Any navy which is dominant on the surface prefers to rely on that superiority, while navies comparatively weak may but threaten that dominance by developing a new form of attack to attain success through surprise. Hence submarines have offered and secured advantages until the method of successful counterattack has been developed.

"The United States Navy lacks a proper number of cruisers. The few we have would be unable to cover the necessary area to obtain information. Submarines could greatly assist them, as they can not be driven in by enemy scouts.

"The cost per annum of maintaining 100,000 tons of submarines fully manned and ready is about \$30,000,000. For the work which will be required of them in an emergency this cost is small when taken in connection with the entire Navy. The retention of a large submarine force may at some future time result in the United States holding its outlying possessions. If these colonies once fall, the expenditure of men necessary to recapture them will be tremendous, and may result in a drawn war, which would really be a United States defeat. The United States needs a large submarine force to protect its interests.

"The committee is therefore of the opinion that unlimited warfare by submarines on commerce should be outlawed. The right of visit and search must be exercised by submarines under the same rules as for surface vessels. It does not approve limitation in size of submarines."

The chairman stated that he had deemed it his duty to read the foregoing report, which, as he had already said, represented the views of the Advisory Committee that had been created by the President for the very purpose of giving to the American delegation such aid. The American delegation would most carefully consider the able address of Lord Lee and would consult the American naval experts.

Mr. Sarraut said that he thought that the very interesting discussion to which the committee had been listening might well be postponed until the next day. Lord Lee had set forth the British views on the submarine question; he (M. Sarraut) had replied

by outlining the divergent French views, and the chairman had presented the American thesis in an interesting and voluminous document. He could testify to the profound interest aroused among the French delegation by Lord Lee's speech and to the force of his arguments, which if not convincing were highly impressive. He (Mr. Sarraut) and his colleagues felt that the best tribute which they could pay to Lord Lee's able address would be to reply to it in detail. He requested, therefore, that time might be given to prepare this reply and also secure a translation of the document presented by the chairman, and that the meeting be adjourned until Friday afternoon.

The chairman asked what was the pleasure of the committee in this matter.

Mr. Balfour said that he placed himself in the chairman's hands.

After some discussion it was agreed to meet Friday afternoon, December 23, 1921, at 3 p. m., and that the statement to the press should embody such portions of the remarks made at the present sessions as the respective delegates should communicate to the secretary general.

The meeting then adjourned until December 23, 1921, 3 p. m.

SIXTH MEETING—FRIDAY, DECEMBER 23, 1921, 3 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley.

France.—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The sixth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan-American Union Building at 3 p. m., December 23, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Oden-d'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, suggested that the discussion should continue from the point where it had stopped the day before.

Admiral de Bon said that he desired in the first place to make a statement for the sake of accuracy. In the course of yesterday's session different estimates of the French submarine tonnage were given by Mr. Hughes and Lord Lee. This difference seemed to him to arise in part from the fact that in one case the tonnage was estimated on submerged submarines and in the other on ships on the surface.

France possesses at the present time 50 submarines representing a tonnage of 31,391 tons if estimated afloat and of 42,949 tons if estimated when submerged. These figures did not include the 12 submarines whose construction had been authorized by Parliament and for which contracts had been made.

Admiral de Bon then read the following statement:

"The conference entered yesterday upon the consideration of the question of abolishing submarines. It had listened to a remarkable statement and defense of the British point of view by Lord Lee, of Fareham. The argument presented is very complete and very logical, and it may be said that it supports the view favoring abolition of the submarine with the most forcible arguments that can be brought to bear upon this side of the question.

"Another consideration of this particularly remarkable and important question was read by Chairman Hughes, and even if he had not had the kindness to enlighten the conference upon the distinguished personality of the members of the advisory committee, the incontestable value of their arguments would have signalized their exceptional ability.

"The conclusion of this dissertation is the reverse of the view advocated by the Hon. Lord Lee, of Fareham, and is in favor of the preservation of the submarine.

"The two declarations that have been made have brought to light about all the arguments that can be advanced. Accordingly, it would seem as if the debate might almost be regarded as exhausted if we did not have certain differences of opinion regarding the various arguments which it would seem desirable to present to the conference.

"I ask permission to review them briefly before you.

"In the first place, it has been denied that the submarine was really an efficient weapon, and this is an essential consideration, since, if this were admitted, it is obvious that there would be almost no reason for building submarines.

"The submarine as a weapon against warships can not be considered useless. If it is, indeed, true that the Great Fleet was able to remain at sea during several months in the midst of the submarines without any of its ships being hit, it should be remembered that France lost three battleships and five cruisers and had several other ships torpedoed, 130,000 tons in all. To this list I can add a certain number of battleships lost by Great Britain and by Italy.

"Finally, the offensive action of the submarines has necessitated the construction of a considerable defensive system, and this certainly had an influence toward weakening the general forces of the nations engaged.

"As a means of defense the submarine has not been found useless. It can not, I think, be denied that if Germany maintained her coast intact it was not solely because of the barrier of mines with which she protected it. This could have been crossed by any force suitably provided with mine sweepers if a force of submarines, supplementary to the mine defenses, had not rendered the approach to them really dangerous.

"In the Adriatic the submarine also formed one of the most powerful means of action for the enemy.

"In the Dardanelles the Allies felt the effect of the use of submarines not only during the major actions but also throughout the long months during which they remained holding tight to the point of Gallipoli Peninsula. The bombardments which the Allies were led to make against the Turkish position were always con-

siderably hindered by the measures for protecting their ships which they were compelled to take on account of the presence or threat of submarines in those waters. The Allies had, moreover, paid for their efforts with the loss of several ships.

"In fighting warships the submarine can be employed as a scout, or rather as an observation post.

"Everyone knows the great extent to which the submarine lends itself in wireless communications. It is obvious that this observation post, so difficult to detect, can approach very near to the enemy, watch his operations, and carry either to the fleet which it is convoying or to its governing authority information which can not otherwise be obtained, especially for navies which have no powerful surface craft at their disposal.

"In a word, in our opinion, the submarine has proven its worth as a means of attack against warships as well as in the protection of coasts.

"The submarine has shown itself especially efficient against the merchant marine.

"I need not recall the very considerable results obtained in the submarine warfare waged by Germany against the commercial fleets of the world. The mind can not return without horror to this subject, which has struck terror to all peoples.

"But what causes this terror is not the fact that the German submarines attacked the merchant vessels of their enemies, but that they did not respect either the neutral flag or steamers loaded with nonbelligerents, or even the transports for the wounded which should have been protected by the Red Cross flag, which flag, however, even on land, they often saw fit to violate. It has always been admissible to attack the enemy's merchant marine, and it will, I think, always seem legitimate to do so. In fact, it is one of the most effective means of seriously crippling one's adversary.

"If, taking an extreme case, one might consider it possible to bring one's adversary to the point of yielding by this process, would it not be less cruel and less wasteful of human life than military operations which would arrive at the same result by direct application of force?

"One may protest against this interpretation, but it is the result of the blockade, which is a legitimate practice, and its effects are not peculiar to submarines.

"I understand quite well that if this kind of war is allowed, it should be confined within certain limits to prevent it from violating the laws of humanity. That is the precise point on which the charge that all have agreed in bringing without mercy against the Germans is based. But the accusation is brought against the men and not against the instrument that they made use of.

"In order to impart to the war, which they had decided on, the horrible character which they thought would cause our energies to yield, the Germans simply sank the boats which they stopped. You will recall that at the beginning of the submarine campaign the Germans aimed, above all, to inspire terror and expected to obtain from it a moral effect on which they based their hopes. In fact, nobody can have forgotten the propaganda launched at the beginning of 1915 with all the mighty and wily means of German propaganda. It aimed almost exclusively at a moral effect. It was only later on that they took into consideration the material results which could be surely secured by submarine attacks against commercial fleets and that they enlarged progressively their acts of piracy.

"If it is undeniable that Germany made a frightful and astonishing misuse of the submarine against commercial fleets, can one contend that it would have been impossible for her to act otherwise?

"Moreover, did not the Germans misuse, and to excess, practically all their other weapons?

"In the first place, one can not deny that they could have avoided attacks against neutral ships and could have refrained from torpedoing passenger ships without warning, especially hospital ships.

"The success of their fight might have been materially lessened, but they would certainly have gained from a moral viewpoint and the German submarines would not have lost the respect of the civilized world.

"And then is it not permissible to think that war against enemy merchant ships could have been waged differently? Suppose, for instance, that in meeting a merchant ship a submarine advised her that she would be destroyed as soon as security for the crew was assured, either by proximity to the shore or by means of relief. It could prescribe a route to the ship and bring it to a safe place where it would sink it after having removed the crew.

"That is merely a supposition, and I will not attempt here to formulate a doctrine, but you will find in it a thought similar to that which guided the sailors of other days when they were making a prize and taking it to port or until it had been taken from them by the enemy.

"It may be said that the submarine would be exposed to great risks, but were not the frigates and the corsairs of other days exposed to great risks in similar operations? How many of them had perished either in the defense of their capture or because they had been unable to escape the attacks of their enemies in the course of the voyage?

"Certainly the fruits of submarine warfare would have been smaller if they had been obliged to confine themselves to the limits of honorable warfare, but it is impossible to claim that there would have been none.

"I know very well that to sink a ship even while saving the lives of those on board is a questionable act and may be inadmissible. This is a question of law which ought to be settled by confining such action to cases of absolute necessity.

"In passing I would call your attention to the fact that the cruel use to which the Germans put their submarines was not confined to this type of vessels. They seized merchant vessels and, in order to turn them into cruisers, immediately armed them, keeping their crews on board and thus forcing them to take part in naval engagements, a practice which while less inhuman than that inflicted on the crews that were abandoned on the high seas was nevertheless indefensible.

"It follows from this that the activities of submarines against merchant vessels should be confined within limits that would render their use legitimate. A proper set of rules ought to be drawn up with this object in view. They should be adopted whenever a revision of the rules for applying international law, not only with regard to submarines but to all life at sea in time of war, was undertaken.

"Submarine activity against the enemy's merchant fleet might be very effective. We have not been able to listen without great emotion as Lord Lee recalled the hours of anguish that all those who had held the guidance of affairs during the war had known and lived through when Great Britain, together at time with France, was threatened with being deprived of the supplies which were indispensable not merely for continuing the struggle but to keep the nation alive.

"This is the consecration of the power of the submarine when exerted to the full extent of its destructive possibilities, without regard for the limits imposed by the most rudimentary principles of humanity and respect for international law. Submarine activity against enemy transports and convoys, within the limits fixed by these considerations which should remain sacred to honorable opponents, can still be of great importance. It can be included among the legitimate methods of warfare as a useful factor, especially for nations which have not a powerful navy.

"In this connection another consideration occurs to me. It is said that the submarine can never be kept from bursting through the moral barrier which ought to limit its activities. It will always yield to the temptation to make unrestricted use of all its powers. Lord Lee has kindly paid the submarine officers and crews of all navies the compliment of stating that he believed them incapable of the acts imputed to the German submarines.

All naval men would be grateful to him. But the honorable first lord fears that officers and men may be confronted by formal orders from their Governments, which may be driven by danger into the weakness of issuing such orders. He does not think any Government would risk hereafter incurring such a responsibility. He thinks furthermore that if ever a nation were again to be capable of making such an error, it would not hesitate to commit analogous excesses with other means, for example, with air forces which could fill the world with even greater horrors.

"Against the possibility of a Government erring to such a point, all measures the conference may take would be in vain. The submarine is useful for fighting war fleets; it is useful for fighting merchant vessels. Our opinion is that it is especially the weapon of nations not having a large navy. It is, in fact, a comparatively cheap element in naval warfare, which can be procured in large numbers at a cost far below that of capital ships.

"At the time when we are occupied above all with economic questions, to the point that we are willing to give them precedence over considerations of the safety of nations, this seems, in the first place, an argument worth remembering. It must be observed, however, that in the formation of a counter submarine fleet the experience of the past war has brought out the fact that we can utilize a considerable number of elements drawn from both the merchant and fishing fleets.

"The expense of providing the necessary measures of defense against submarine attack may be notably reduced by this means.

"Moreover, this is an argument of a general nature and applies to every other naval weapon, from which, in my opinion, the submarine, as we view it now, does not greatly differ.

"It seems, in fact, that henceforth the submarine has the right to figure as an integral part of naval forces.

"When it first made its appearance no one knew to what precise use it might be put.

"Even the Germans themselves, who in 1914 were several years in advance of other navies as regards submarines, did not fully realize what use they would make of them. Almost two years of war went by before they definitely decided upon their plan of action, because their submarines had not yet been perfected.

"If it was not possible at that time to determine the use which might be made of the submarine, the means for combating its activity were still more completely unknown. Unless one has been embroiled in such circumstances, it is difficult to appreciate the formidable effort which was necessary to discover the indispensable measures for destroying the submarine and to execute them in the midst of so violent a war, which had up to that

time absorbed all the vital energies of the nations in the struggle upon land.

"However it may be, if this small craft committed frightful depredations, it was not alone because the use made of it was barbarous in the extreme but largely because during many long months there was almost nothing with which it could be combated.

"At the end of the war the situation was changed, and when the armistice came the ravages of the submarines had been greatly lessened; the monthly destruction of merchant ships scarcely exceeded 60,000 tons, and the methods then in preparation for coping with the danger would have considerably reduced this, while the number of submarines destroyed had been steadily increasing.

"To sum up, in judging the submarine it should not be considered at the time of the war, and above all at that precise moment of the war when it was at the height of its effectiveness, but more in perspective and looking somewhat toward the future. As is the case with every new weapon, it first came upon its adversaries when they were without sufficient defense and caused vast damage. Yet from now on, as Lord Lee emphasized, its power would be greatly limited; the risks of destruction which it must run have become very numerous. Without going as far as the first lord in feeling that the submarine has become ineffective against its foes, it is possible to think that the struggle against the submarine may now be carried on under conditions comparable to that of any action between warships.

"A new phase has been reached in the life of the submarine; it will not be the last. There is no doubt that further great progress will be made in two directions—in the power of attack of the submarine and in the efficiency of methods for combating its operations.

"In order to establish certainty upon this point it is enough to recall the case of the torpedo boat. Upon its appearance this little craft was considered an instrument of such power of destruction that, in the view of many distinguished naval men and writers upon maritime subjects, the hour of great battleships had struck; to build them was no longer worth while. The people in France who favored this decision formed a large and influential group. What would have occurred if war had broken out at the moment of this fever in favor of torpedo boats? Evidently, if use had been made of them as arbitrarily as of the submarines by the Germans the damage caused by the torpedo boats would perhaps have been less; but what is certain is that in many respects the conditions surrounding them were analogous to those affecting submarines.

"However, the search for means to oppose the torpedo boat was undertaken. And now not only has this small craft ceased to be

an object of special dread but it has developed into the destroyer or flotilla leader and has been found to be the greatest engine of war against the submarine. In this way the instrument of terror of 40 years ago has shown itself to be an especially efficacious defender of humanity.

"Who says that the same thing will not come to pass in the case of the submarine? We note as a menace which impresses itself greatly upon our minds the advent of powerful airships whose appearance each day strikes us as more real and more imposing. We foresee that they will be capable not only of attacks on land, at present almost irresistible, but also of formidable undertakings far out at sea. In the course of these struggles the airship can spread gas over a considerable area of the sea, paralyzing large ships, possibly squadrons. Then will we not look forward to utilizing the protection of the submarine which, supplied with powerful means against aircraft, may circle around and guard the fleet? The capacity of submerging would enable these guardians temporarily to escape the blows of the adversary in the air. This you will say to-day is fanciful. Perhaps the future will show what the result will be.

"Be that as it may, the last war has shown that hereafter the naval warfare can be carried on simultaneously under water, on the surface, and in the air. That is to say, we must, for the moment, consider the naval war of the future from this angle, if this greatest of misfortunes should, contrary to the wishes of all, some day occur.

"These are actual facts from which there is no possible escape. None of you would know how to undertake to stop the progress of human ingenuity. It has taken possession of the submarine domain. This is a fact which we are unable to prevent.

"It is very certain that the submarine, the only device by which man has succeeded in navigating under water, can not yet serve any industrial purpose or peaceful aim. This characteristic it shares with the torpedo boat and with most other weapons.

"I have set forth the views of the French Navy relative to the suppression of submarines. I have still a word to say on the importance of the number of submarines.

"The figures which have been laid before the committee have emphasized the paramount consideration which must guide it in forming an opinion.

"Lord Lee has stated that the Germans constructed 320 submarines and that generally they had only ten of them in active service at sea at any one time. This would indicate that the proposals for submarines to be constructed must be estimated on a basis considerably larger than that employed in fixing the number of these little boats that it is thought necessary to use.

"In truth, we have not quite the same figures. We have estimated that on an average one can figure that the Germans had possessed 80 to 100 completed submarines which at the time could be termed in existence. Of this number they were able to keep about 15 or 20 at sea at once. And the reduction thus noted from the number of existing submarines to the number in condition to use was due to two causes—the need to allow the crews to rest, and the need of maintenance of these small boats on which the wear and tear was terrific, making constant repairs necessary.

"The advisory committee, whose perfectly clear, exact, and precise report could be considered as an excellent base for estimating, had calculated 90,000 tons to be the tonnage necessary for the United States and Great Britain. No doubt that had been the limit of reduction which those wise men had considered reasonable. Taking it that one of the present submarines and, a fortiori, a submarine of a future type, an improvement on its predecessors, should have a tonnage of about 1,000 tons, the figures proposed by the American committee represent 90 submarines of recent type; that is to say, 15 or 20 capable of simultaneous action. This seems indeed the minimum submarine strength a power desirous of making use of this contrivance should have.

"It is proposed, however, to reduce this already very small number. If we fall below this limit, we will end by having a force of no use whatsoever, and this measure will be nearly equivalent to abolishing the submarine. I think that in this conference we should at all costs abstain from making decisions which may not be practicable and which, even before our thoughts are on the way to realization, may weaken these to the point that instead of being an element of moral strength and confidence to the world the decisions of the conference might be a cause of doubt and anxiety.

"My observation on the decrease of the tonnage seems to me all the better founded in that it applies more forcibly in the case of the construction of submarines of a greater tonnage, the freedom to build which has been asked for by most of us.

"Never has the program of navies gone forward more rapidly than now. It will lead us before long to increase the size of the submarine.

"We are convinced that the idea of large-sized submarines could not be dismissed. If you impose too narrow a limit on submarine tonnage, you will obstruct the progress of submarine science. What you would accomplish on the one hand you would undo on the other.

"To draw a conclusion from the foregoing, I think that we can not reasonably limit submarine tonnage, since we have before us an entirely new weapon, concerning which no one of us can fore-

see the possible transformation and growth, perhaps in the near future.

"If, in spite of this idea—which is a menace to no one, first, because I think no one here can consider that any one of us could become the enemy of any other, and, secondly, because we can agree in mutual confidence to keep each other informed of our future constructions—you wish absolutely to fix a limit to submarine tonnage, I believe that 90,000 tons is the absolute minimum for all the navies who may want to have a submarine force."

Mr. Balfour said: "Since the very remarkable statement of the antisubmarine case made by Lord Lee, two notable contributions have been made to this debate. One was the document which you, Mr. Chairman, read out yesterday representing the views of the American advisory committee. The other was the speech of the gallant admiral who has just sat down. I rather wish that the advisory committee could have heard that speech before they drew up their report. They had reached the conclusion that the destruction of commerce by submarines was not the legitimate business of submarines, and they were under the impression that regulations could be framed which would prevent what they held to be the inhuman employment of this particular weapon of war. But had they heard the speech to which we have just listened they would have seen, I think, that while Admiral de Bon condemned, as we should all expect him to condemn, the misuse of the submarine against merchant ships, it was the action of submarines upon merchant ships which he regards as, on the whole, the most important purpose to which that weapon of maritime warfare can be put. And is he not right? Is there any man who knows what occurred in the late war; is there any man who knows what must occur in the course of any future war, who doubts that if submarines are sent on their dangerous and difficult mission—one of the most difficult and most dangerous, as well as one of the most disagreeable tasks which can be imposed upon sailors—it is for something more important than the remote chance of destroying some well-guarded ship of war? Is there any man who doubts that if they are once let loose to deal with merchantmen their powers will not in the stress of war be abused in the future as they have been so grossly abused in the past? It is vain to dwell upon the fact that the submarine is a useful scout, that the submarine may destroy a few unguarded and careless ships of war and impose upon any attacking forces precautions which no doubt they would gladly forego.

"From Admiral de Bon's own speech it is clear that the main object they serve is the destruction of commerce; and I can not doubt that if this had been heard and thoroughly considered by

the advisory committee, the conclusion they would have come to would not have been so very remote from that which has impressed itself upon the British Empire delegation. Now, I do not in the least desire unduly to minimize the utility of submarines for genuine war purposes, but I can not help thinking that Admiral de Bon has exaggerated it. I can assure him that he is in error in supposing that the immunity from attack enjoyed by the German coasts was, in the least degree, due to their submarines. I speak with knowledge upon this subject, and I can assure him that he is under some misapprehension. Neither do I believe that you will find that submarines, on the whole, are any defense against attack by ships of war upon an undefended coast town. That is, I believe, one of the duties which the Italian delegation think can be performed by submarines, but I greatly doubt it. The Germans were able from time to time, without much difficulty, to send a swift ship across the North Sea, throw a few shells into an undefended port, and then seek safety in flight. That produced some suffering and effected some destruction, though whether the cost of the damage done by a shell is greater than the cost of the shell itself may perhaps be doubted. I remember one particular case in which an attack of this kind was made upon an open town on the east coast of England where there actually was a submarine; but it takes some time for a submarine to get ready; it takes some time for it to submerge; it is difficult for it to reach a much swifter surface vessel; and, though the submarine did its best, the aggressor was far away before anything could be done either in the way of protection or revenge.

"Is it not in the minds of all of us who followed the history of the late war that the British ships bombarded hour after hour the Flemish coast of Zeebrugge, which was full of submarines? The damage these submarines inflicted was trifling, and they never checked the bombardment. Take the case of the Dardanelles. We lay opposite the Dardanelles, in the most perilous circumstances you could well conceive, month after month, with submarines ever on the watch seeking what they could destroy. What they destroyed was quite insignificant. Now, if submarines could not render it impossible for ships to lie in the open opposite the Dardanelles, how can we believe that they are going to prove a very efficient weapon to maritime defense? I do not wish to dwell further upon this aspect of the question, because I do not think, as I have already indicated, that it is the fighting use of the submarine which is really before us now. The question before us now is whether you are going to encourage an instrument of war which, if it be encouraged, if indeed it be permitted at all, will undoubtedly be used in the illegitimate destruction of commerce. Now, who is that going to injure? There are two of the

powers represented here who, I think, have little or nothing to fear in such a connection. I mean the United States and Japan. Both are remote from any possible aggressor, and the United States are self-sufficient. How about the other three?

"Take the case of Italy. Italy is not an island, but for the purposes of this debate she almost counts as an island. I remember the extreme difficulty we had in supplying her even with the minimum of coal necessary to keep her arsenals and manufacturing going during the war. I doubt whether she could feed herself or supply herself or continue as an efficient fighting unit if she were really blockaded, if her sea commerce were cut off, which, please God, will never be. The fact that you are going to give a general blessing to submarines—at least so I gather—puts it in the power of every State that has a seaboard at all to make itself a formidable, aggressive enemy. You talk of the submarine as if it were by nature something that encouraged defense and discouraged attack. It is nothing of the kind. A State which is itself not dependent upon sea-borne commerce, but which has some access to the sea, can, without building a battleship, without having any great naval estimates, make itself one of the most formidable of aggressive powers to its maritime neighbors. Italy has five neighbors in the Mediterranean. I hope and believe that peace, eternal peace, will reign in those ancient homes of civilization. But we are considering these matters from, as it were, the cold and calculating point of view of some member of a general staff. He, looking at the problem without any political bias, merely as a question of strategy, would say to Italy, 'You have five neighbors, each one of which can, if it desired it, blockade your coast without employing a single surface ship.' No troops need be landed, no battles fought. You would perish without being conquered. Now, compare with this case the case of France. France is nearly self-supporting in point of food, and France has a great land frontier which gives her access, directly and indirectly, to all the great markets of the world. No maritime power can blockade her. But though secure from the sea, Mr. Briand tells us that she is in a position of very grave insecurity on the side of the land, and he certainly indicated to an attentive world that France not only required a large army now but as events develop she might again call for assistance from overseas, across the Atlantic or across the Channel.

"How, then, shall we think of this encouragement of submarines, these passionate declarations against any interference with the development of this promising weapon of war which is still in its infancy? The submarines which the French propose to build will be no protection against the submarines of Germany. On what, then, is she going to rely? On the trawlers and fisher-

men of her own coasts? If the experience of the past is any guide to the future, these will be wholly insufficient. At a moment when everything turned upon keeping open the communications between France, Britain, and the United States the contribution of small craft to this vital object was as follows: France, 257 vessels; Italy, 288 vessels; Great Britain, 3,676 vessels. These figures speak for themselves; and it is manifest that but for the assistance given by British trawlers, fishermen, and merchant seamen the exclusion from Italy of the necessities of national existence, the exclusion from France of the allied armies and munitions would have been complete, and the war would have been lost. Supposing now that the situation which I have just described were reproduced, as M. Briand fears that it may be produced; supposing that France's allies come to her assistance, as I hope they will; is it not clear that France will again be as dependent on British antisubmarine craft as she was three or four years ago? Is this a tolerable situation? I can not believe that on reflection our French friends will think so. This is a conference for the diminution of naval armaments, and surely it is fitting that we should remember not merely that the submarine is an instrument of warfare certain to be abused but that the building of them in large numbers inflicts a double burden on the world—a burden on the country which possesses them and a burden also on the countries against which they may possibly be used.

“Think not, however, that I am making any appeal of a purely national character. People are apt to suppose that Great Britain is the country which has most to fear from submarine warfare. They look at the map; they see that Great Britain is wholly dependent on sea-borne supplies and that opposite her coasts are harbors over which she has no control flanking the long lines of commercial communication which connect her with distant parts of her own Empire, with the markets which she serves, and the countries from which she draws her raw material. They argue that a country so situated is at the mercy of submarine warfare.

“Now, it is true that our position has its strategical difficulties; but we have faced them before; we have faced them successfully; and if ever the necessity should arise we shall face them successfully again. Lord Lee yesterday called attention to the critical moment of the war. I remember it well, for I was coming over to this country, and daily we received by wireless the returns of our loss of merchant tonnage. A very simple calculation sufficed to show that if this state of things continued the war would end in tragedy. In the struggle between the attack by submarines and the defense, the attack was winning. All such

struggles, however, have their ups and downs, and this was the very nadir of our fortunes. But it brought its own remedy. Courage, invention, and organization did their work, and months before the end of the war on land piracy at sea had lost its terrors. And so it will be again if the necessity should arise. We shall know how to protect ourselves, and if need be we shall know how to protect our allies. But when those allies themselves multiply their fleets of submarines at our very doors we know not what to think of a position so incongruous and so strange.

"But there are considerations to be kept in mind which are wider even than the most important international relations—considerations of humanity, considerations of public morality. Admiral de Bon observed just now that the submarine must develop. You could not, he observed, stop the progress of invention. I confess that, in so far as the progress of invention consists in devising new methods of warfare, I would stop it to-morrow if I could; and this conference could not do better work than to stop it in so far as it can be stopped. And, surely, if the powers represented in this room set themselves resolutely to the task, the submarine could be banned. I believe the conscience of mankind would help us; I believe the public opinion of the world would be on our side; and the result of our labors would be approved, not merely by those who wish to diminish the burden of excessive taxation, but by those who believe that, if the possibility of war must be admitted, we should do something to make it more humane."

Senator Schanzer said: "We have listened with the greatest attention to Mr. Balfour's important speech.

"Mr. Balfour has recalled England's efficient aid for Italy's supplies during the war. I wish in the first place to express to the British delegate, who represents his country with such a great authority, Italy's sincere gratitude. We shall never forget what England has done, and Mr. Balfour knows the cordial friendship for England which is traditional among the Italian people and constitutes one of the surest bases of all Italian policy.

"I wish furthermore to express to Mr. Balfour my thanks also for the important remarks he made on the particular conditions of Italy, which depends completely on the sea for her supplies, which can be blockaded with the greatest facility owing to the fact that the Mediterranean is like a lake, and which can be exposed to an offensive action on the part of as many as five maritime neighbors. His observations are such as to justify, better than I could ever have done myself, the position that the Italian delegation has assumed in the present debate.

"Mr. Balfour has contested the utility of the submarine for coast defense. He maintains that submarines are of no help in

guaranteeing the supplies of a country which is dependent on the sea, and holds, on the other hand, that they are a menace to these supplies. He has said that submarines are a danger, especially for Italy, whose coasts can be easily blockaded and whose maritime neighbors might make use of submarines as an offensive weapon. We are confronted by a substantial technical difference of opinion. Your authority and that of Lord Lee's are no doubt very great, but there are technical experts of great authority who insist upon the necessity of still maintaining submarines as a defensive weapon. This opinion is shared by our naval experts and by our Government.

"We are disposed, however, to pursue together with you the study of this problem; only we must point out that it does not seem possible to us to-day to decide on the suppression of submarines because many of the States that could avail themselves of this dangerous weapon are not represented in this conference.

"Were we to decide to-day the suppression of submarines we would evidently be placing ourselves in a dangerous condition of manifest inferiority in respect to those States which are not represented here and which might continue to use submarines. The Italian delegation believes, therefore, that this problem must be examined subsequently in a wider conference. For the present, however, one point is clear in our minds, and that is that the best course would be to follow even in this case the spirit of the American proposal and consequently to limitate submarines to the measure strictly necessary for the ends of a purely defensive naval policy."

Admiral de Bon asked the committee for a moment's attention. An error, he said, had been made which might be corrected by a moment's reference to the minutes. Contrary to what Mr. Balfour seemed to believe, he had never stated that it was permissible to use submarines to destroy commercial vessels. He had said that the Germans, during the war, had used them in an unnecessary and cruel manner, but he had never said that France intended to use them in any similar practice; it had never entered into his thesis that submarine war on commerce was right or permissible. He said he hoped that the minutes would make this point clear. To sum up, he had said the Germans might have used the submarine less barbarously; that did not mean that he intended to preach barbarity himself.

Mr. Balfour said that the last thing he had intended was to misrepresent Admiral De Bon. He was certain that if the admiral ever had control of a navy in time of war he would conduct the operations in accordance with the dictates of humanity and the fine traditions of the great service to which he belonged. What he had attempted to show, however, was that, if the submarine was to play the great rôle in future wars which Admiral

de Bon had suggested in his speech it could only do so by resorting to extreme methods, for it was futile to suppose that submarines would make a practice of stopping merchant ships and placing prize crews on board to take them into port.

Senator Schanzer asked permission to inquire with respect to the Christmas holiday. He said he had been informed that there would be a recess until Tuesday after Christmas, and asked whether it was correct that a meeting would be held on Tuesday afternoon.

The chairman stated that as the servant of the conference he did not feel at liberty to recommend any Christmas recess unless this was the expressed desire of the delegates. He said that if in the judgment of the delegates the conference had arrived at a point where progress could be made, he would suggest that a meeting be held the following morning. If at that meeting a point should be reached where further immediate progress might be made, a meeting could be held the following Monday. This, he said, could be decided according to circumstances.

The chairman then referred to the question of the public statement for the press and asked whether it would be agreeable to the French and British Empire delegations to publish in full the arguments of Admiral de Bon and Mr. Balfour. This was agreed to by these delegations.

The meeting then adjourned until the following morning, December 24, 1921, at 11 o'clock.

SEVENTH MEETING—SATURDAY, DECEMBER 24, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Mousley.

France.—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi and Commander Hori.

The secretary general, assisted by Mr. Cresson, Mr. Osborne, and Mr. Paul.

Interpreters—Mr. Camerlynck and Mr. Talamon.

1. The seventh meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, at 11 a. m., Saturday, December 24, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, assisted by Mr. Cresson, Mr. Osborne, and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, announced that the meeting was ready to continue the discussion begun the day before.

Mr. Sarraut said that their eminent and venerated colleague, Mr. Balfour, replying the previous day to Admiral de Bon's statement—a statement which in Mr. Sarraut's opinion had been so substantial and convincing—had given the committee a new opportunity for respecting the eloquence and the emotion of the phrases which a mind like Mr. Balfour's always so easily found to express the inspirations of his thought. He wished to thank Mr. Balfour personally for having given him that rare pleasure in which the regret felt at meeting opposition immediately gave way to admiration for one's adversary. He regretted the use of such a word as adversary, which had a displeasing sound; for, as a matter of fact, his first impulse, as he rose to reply, was to think of the last words of Mr. Balfour's speech and to approve with all his heart and all his reason the dignity and the serenity with which Mr. Balfour looked forward to the future destiny of his great country. On this point Mr. Balfour knew how completely he shared this faith and

conviction. His own country, more than any other—Mr. Balfour also knew this—desired for Great Britain the continuation of the power and security which France regarded as one of the essential guaranties of the peace of the world and of the future of civilization. France would be the last to forget how greatly the heroism and the tenacity of her mighty ally had contributed to bring about the final decision which had saved the liberty of mankind; and in the effort thus made by England it was also known what a part had been played by the splendid British Navy, which, in cooperation with the French Navy, had done so much to make victory certain.

He wished to bear these sentiments in mind in replying to Mr. Balfour, and particularly to the argument "*ad hominem*" which the latter had addressed to France as well as to Italy, with the object of demonstrating the danger that might be created by the position taken by France on the submarine question. If he had rightly understood, Mr. Balfour had said: Beware! You may be the first victims of your own attitude; you know what England has been enabled to do for you with the aid of her navy; this help ran great risk of being impaired by the action of the German submarines; let us suppose, he had said, that the situation at the time the last war should recur, as has been suggested by Mr. Briand; suppose the former allies of France again came to her assistance (as Mr. Balfour said he hoped they would do); the efficiency of their help might be impaired by the resumption of that submarine campaign which the attitude of France would have helped to render possible by its unwillingness to abolish the submarines.

Such, Mr. Sarraut believed, was Mr. Balfour's line of reasoning; he had not understated it and believed that he had exactly reproduced it. He might remark that, in reality, the danger contemplated by Mr. Briand was the same as that which Mr. Balfour himself had called "the very great insecurity from the land side." But he also agreed with Mr. Balfour that the peril might extend to the sea and, far from putting aside this supposition, he hastened to accept it, because it would still further strengthen the French contention.

At this point he would borrow from Mr. Balfour himself an argument in answer to the latter's own reasoning. In fact, Mr. Balfour, in pointing out to France the eventual danger of maintaining submarines, had maintained that countries having coast lines or with access to the sea might take advantage of this situation to gather together a force of submarines representing a considerable aggressive strength for use against their neighbors or against other countries. Herein lay the very danger—pointed out by Mr. Balfour himself—which France feared and wished to avoid. It had been suggested that France give up the idea of re-

taining submarines ; but, he asked, were all the powers possessing fleets of submarines equally anxious to support such a decision? There were five powers represented on the committee ; sometimes they were called "the Big Three," sometimes "the Big Five" ; a decision could be reached as far as those present were concerned, but what would the other countries do? Who could give assurance that they would submit and follow the example set them? What would happen, moreover, if these other countries continued to build submarines, either for their own use, or for someone else? In what situation would those countries who were represented on the committee find themselves if, peradventure, war were to break out? They would have given up submarines only to be confronted with the great submarine forces which other nations had constructed, retained, or ceded to enemy powers.

This was the eventuality which must be faced. Would anyone tell him, Mr. Sarraut asked, that that was fantastic? The countries he had in mind were countries not represented here, and which would therefore preserve their freedom of action and their submarine forces ; what way was there, he asked, of persuading them or of forcing them to follow the example of the countries represented on the committee?

Great Britain had tried persuasion without success. Those attempts had been made in the deliberations preliminary to the peace treaty, during which Great Britain had expressed the wish that the use of submarines be forbidden, as well as in discussions before the League of Nations in the course of which, if Mr. Sarraut was not mistaken, the matter had been brought up twice. The other countries concerned refused to accept the British proposals. There was nothing surprising in this ; it went to prove that these suggestions were in opposition to a sentiment which was very natural and which was not peculiar to the French. There must be no misunderstanding on this point ; the views upheld by the French delegation were not exclusively the views of France ; they were shared by many other countries whose ideas France only reflected. No country worthy of the name could leave to others the care of its national defense ; every country had the desire and the right to assure its own safety and to refuse to intrust to anyone else the defense of its independence or its integrity. Every country tried to do this through its own means and its own resources. Some countries were able to build mighty fleets and possess capital ships ; but those which did not have the same resources to dispose of and the same financial facilities were building, or would build, submarines, which constituted the weapon of the weak and were less costly. Should this right be denied them? They had no choice when they saw other countries maintaining powerful fleets, without any warlike intention, to be sure, but with a view to protect-

ing their own safety against any eventuality. Persuasion was of no avail; constraint would not succeed any better. No one present could even dream of constraint, for the very simple reason that they all saw the danger of taking such an attitude.

Mr. Sarraut said he had called the attention of Great Britain in a friendly way to the construction which might be given to decisions of the conference by certain countries, a construction which would run counter to the common efforts of the conference to create a spirit of peace. An atmosphere of peace could only exist throughout the world if all peoples were given the assurance and guaranty that this peace was based on a feeling of equity and justice which took the interests of all into account. On the day on which the peoples began to think that there was likelihood of moral constraint being used to impose upon them the point of view of the powers here represented—and he ventured to emphasize this idea at a time when the susceptibilities of nations ought to be carefully considered—he feared that there might grow up, around the beneficial work that was being accomplished here, certain legends, and even calumnies, distorting the trend of the purposes of the powers represented on the committee, such as those from which the French had suffered, which had only recently been used in the press against France, representing her as imperialistic.

It must not be permitted, Mr. Sarraut continued, that such campaigns, misinterpreting true sentiments, should be initiated against any one of the powers present—France, Great Britain, Japan, or any other. If certain of these powers preserved more or less considerable naval forces and if, at the same time, other peoples, not represented here, were forbidden the right to procure for themselves the smaller but still efficacious weapons of defense which they believed they needed, might not the legends to which he had referred tempt them to think that other more powerful countries wished to keep them in subjection, to force them to place themselves under their protection, and to retain them in a sort of vassalage. That was an impression which must be avoided. Careful consideration, he wished to repeat, must be given to the mental attitude of the peoples not represented here, whose susceptibilities might lead them to misconstrue the exact meaning of the decisions which the members of the committee were collaborating.

The committee would perceive, Mr. Sarraut said, the conclusions to which he was leading. It was impossible to assume here certain obligations in the matter of submarines in the name of countries not taking part in the conference; these countries could neither be persuaded nor coerced; that was to say, there could be no guaranty that they would follow the example of those not constructing submarines.

Hence, in the absence of these guaranties, he considered that the committee could not come to a decision. An agreement had been reached on the reduction of offensive naval armaments, but the question of means of defense must be left to the consideration of the countries interested.

He readily understood that a general conference might be suggested in which all the countries interested in the question of submarines would be represented. In this conference the rules applying to a more humane use of submarines might be determined; the question of the principle of the retention or abolition of the use of submarines could be raised. Then all the nations interested in the question might express their opinion and really effective decisions might be reached. For the time being, he wished to repeat, he believed, that no decisions could be reached, even regarding the questions of what amount of submarine tonnage constituted a defensive navy or what amount constituted an offensive weapon. Let the tonnage of the great ships, of the attacking vessels, be limited as had been done; that was well, and each country might make its contribution along with its personal sacrifices in the matter; but, in regard to the defensive navy, it was those countries concerned which best knew their needs and the situation which they must face. It was essentially a question dependent upon the sovereignty of such countries and upon the perception they had of their responsibilities in regard to national safety.

Such, Mr. Sarraut added, were the considerations which he wished to lay before Mr. Balfour; he did not know whether he had succeeded in convincing him, but at least he had had the great honor of having entered into debate with him.

Mr. Balfour said that he did not mean to weary the committee with another long speech, but he had to say one or two sentences to make his position clear after the speech just delivered by Mr. Sarraut. Those observations, so far as he was concerned, were not only most courteous but they were flattering far beyond his deserts, and he gratefully acknowledged the spirit in which they were made and the language in which they were couched. But he felt bound, of course, to make quite clear—he would not say the whole case of the British Empire delegation—but certain points in that case which he thought it possible Mr. Sarraut's speech might have confused. The argument that he (Mr. Balfour) brought forward in its relation to France might be put in this way: The conference had been given to understand on the very highest authority, namely, the French prime minister's, that the danger to France in the future was a danger that came to her from the land side, and the conference had been told in terms of unforgettable eloquence that that danger was so great and pressed so much upon the consciences of public men and the

sentiments of the French public that it was quite impossible for France to permit any diminution of land armaments. The decision thus announced had had a most serious effect upon the development of the work of a conference called together to diminish armaments. This ideal had to be abandoned; and the conference found itself confined to naval disarmament alone. France, having thus put an end to all chance of even discussing disarmament by land, had proceeded to develop her sea policy, and her sea policy embraced the creation of a vast submarine fleet. Now, let those two positions taken together be considered.

If the danger to France was of the magnitude which had been indicated, and if France (which Heaven forbid) should again in the future have to call upon her friends and allies, or late allies, for assistance in men and in munitions, it would be, he supposed, because her great eastern neighbor had not merely revived her army but had also revived her navy. The one was not likely to take place without the other; both were contrary to the Treaty of Versailles. Very well. It must then be assumed that there were 60,000,000 or 70,000,000 Germans against whom France would have to be prepared, and it must be assumed that those 60,000,000 or 70,000,000 Germans would be supplied, if with nothing else, at least with the easiest and the cheapest of all ships that could be built—namely, submarines. How was France going to deal with that situation? Her fleet of submarines would be of no use at all. Let her make that fleet what she would, they would not protect or help to protect either her own merchant ships or the transports of her neighbors and friends. Submarines were weapons of offense not, as was so often said, weapons of defense; and in no sense would they be able to give one atom of assistance to the French nation if she was threatened with the dangers on which Mr. Briand had so eloquently dwelt. They would afford her no assistance in her hour of need. To whom, then, was she going to look? There was but one nation in Europe which was or could be made, so far as he could see, adequately safe against submarine attack, and that for social and economic reasons which could not well be copied.

Great Britain, and Great Britain alone in Europe, so far as he knew, had that large seafaring population which could be utilized for the manning of the small craft by which submarines could be controlled in those narrow waters—a population which, as shown conclusively by the experience of the late war, not only had the numbers but the individual skill, courage, and capacity to deal with that situation. So that he must assume, if it were true that France, in the crisis contemplated by Mr. Briand, was going to call upon her ancient allies for assistance, it was upon Great Britain's antisubmarine craft that she would be dependent for the possibility of that call being obeyed. How was such a policy

consistent with the building of this huge mass of submarines which anybody who looked at the matter from a strictly strategical and tactical point of view would certainly be driven to say was built mainly against Great Britain? He remembered, and of course he accepted, the eloquent protest made by Mr. Sarraut. He knew that Mr. Sarraut, in his expression of friendship for Great Britain, had said not one word in excess of the truth. He knew it represented what came from the heart. But no present expression of good will, however sincere, could control the future. Facts were facts. And when one tried to combine the military policy announced by Mr. Briand with the naval policy announced by Admiral de Bon, one could not fail to see that here was a naval and military scheme strangely incoherent and inconsistent. Men would inevitably ask themselves: What is the ultimate end underlying all that is being done? Against whom is this submarine fleet being built? What purpose is it to serve? What danger to France is it intended to guard against? He knew of no satisfactory answer to such questions.

He had so far confined himself strictly to the Anglo-French position, and he had tried to explain to those who he knew were Great Britain's friends why the position seemed to the British public so inconsistent and so difficult to justify. He asked to be allowed to say one word upon the more general aspect. He thought there was something to be said in favor of this part of the contention of Mr. Sarraut. Mr. Sarraut had asked the committee by what authority the five nations at the table could legislate for the world? They could not legislate for the world; they could not compel the world to take their opinion. When Mr. Sarraut had argued from that undeniable proposition he had merely repeated what Mr. Hughes himself had stated in a sentence which really covered the whole ground: "Even if they were ready to adopt the principle suggested by the British Empire delegation, they would still have to wait the adherence of other nations." That was a statement which he (Mr. Balfour) entirely accepted. But even if it were granted in its full extent, as it should be granted, did it follow that if a conference of the five great naval powers were really unanimous and really put forward upon broad moral grounds the statement that in their view submarines were not a weapon of war which was consistent with civilization, that such a declaration would have no effect. Would it not be the prelude to their ultimate abolition? Was mankind indeed deaf to such appeals? Would they fall vainly upon unheeding ears? He did not think so. He thought if it were possible for this conference of the United States of America, Japan, France, Italy, and Great Britain—the five great naval powers—to give expression in fitting language to that view, it would be the beginning of a great and beneficent reform. Mr. Sarraut apparently did

not think it would be a reform, or at all events he thought that whatever it might be, taken by itself, the very fact that it had been brought forward by Great Britain, advocated by Great Britain, and adopted by this conference on the appeal of Great Britain would give rise to endless calumnies and that Great Britain herself might suffer from the notion that in making this appeal she had been animated solely by selfish motives and a desire to dominate weaker neighbors by her superior sea power. But was such misrepresentation possible? If it were attempted, would it be believed?

It seemed to him incredible that anybody could think it was intended as a prelude to British domination over weaker neighbors. Without going into the depths of history, let him observe that for the whole of the nineteenth century, after the Peace of Paris in 1815, Great Britain possessed sea power which had no rival. Those who had had the wealth to build against her had not thought it worth while, and for all those years the British fleets had been by far the largest that traversed the ocean. Then Germany had begun to build, the United States and Japan had followed suit, and a new state of things arose. But was the history of Great Britain during those years one favorable or unfavorable to peace, favorable or unfavorable to liberty? It had been during those years that Greece became free, that Italy became united, that all the States of South America had declared themselves independent Republics. So far as he remembered, there had been only one European war in which Great Britain had been engaged, and in that war Great Britain had been the ally of France. He could not imagine anybody who read history supposing that, even if the sea power of Great Britain in the century which was to come was comparable to her relative sea power in the century which had passed, the liberties of the world would have anything to fear. He himself looked forward to the changed situation without fear and without any misgivings. The British Empire was strong enough to defend itself. It asked no more. Nor did he believe that any of the nations to whom reference had been made by Mr. Sarraut were going to run away with the idea that, for any purpose whatever, Great Britain meant to be a tyrant either on land or sea.

Mr. Sarraut seemed to think that the smaller powers who might have rejoiced in the power to build for themselves submarine fleets would resent an international arrangement by which the use of submarine fleets was forbidden. This, they would say, is an example of Great Britain's arrogance and pride. But if he knew anything of the smaller nations of Europe, that was the very last thing they were going to say. It was not from British avarice or British love of domination that they had ever suffered. If they

considered the power of Great Britain at all, they considered it as a power to which in time of difficulty they might look for protection. If they considered the influence of Great Britain at all, they knew that that influence had always been exercised on the side of freedom, and he was certainly not going to be prevented from doing his best to promote this great moral reform by the fear that the action of himself and his friends around him could, even by the bitterest and most unscrupulous calumny, be misrepresented in the way which Mr. Sarraut seemed to fear. That was all he had to say. He had not attempted, as his friends would see, to go over the ground traversed yesterday or to deal with all the fundamental verities of the situation; but as Mr. Sarraut had thought it desirable to bring up these international relations and to paint the future in these gloomy colors, he thought it would have hardly been respectful either to Mr. Sarraut or to the other friends who were present if he had remained perfectly silent under the observations made by the French delegation.

Mr. Sarraut said that he did not intend to monopolize the attention of the committee, but he considered it most essential to avoid any misunderstanding; it was indispensable to the clearness of this discussion that his thoughts should not be misconstrued. In this connection he felt he must clarify two points on which Mr. Balfour had dwelt: One concerned the definition of the general situation of France; the other dealt with the possible result of the decision which the conference might take in regard to submarines, upon the public opinion of the world, or at least upon the opinion of the powers not represented here.

In regard to the situation of France and the policy pursued by her in safeguarding her independence and her security, Mr. Balfour, in referring to the attitude on land armaments taken by Mr. Briand, and its relation to the French demands in naval matters, had appeared to experience a feeling of surprise in regard to this policy, which he had considered as a unit—a feeling of surprise, the causes of which, to tell the truth, Mr. Sarraut had had difficulty in understanding.

France, it was true, was compelled to make a double effort, military and naval. The reasons for this were simple and clear. In regard to land defense, Mr. Briand had made a statement of the perils against which France was obliged to guard—a statement which everyone considered final.

Mr. Briand had indicated, with a cogency to which he could add nothing, the necessity which confronted France of providing for her defense by retaining a burden of armaments which was for her a grievous servitude. It was not for pleasure that France assumed these sacrifices, and he did not believe that anyone would venture to contradict this.

What was the object of France's efforts on the seas? Was she impelled by some proud aspiration toward an increase of maritime power? No; the committee well knew that she was not, since, in regard to capital ships, in which lay true offensive power (that power which alone could give support to an ambitious scheme), France had made the greatest sacrifice and was satisfied with the amount of tonnage which had been allotted to her. It was true that France asked for submarines—but to what end? To attack her neighbors? He would not deign to reply to such a suspicion. The truth was that France was confronted by a situation of fact of which Mr. Balfour must be aware. Besides her continental coast lines, the defense of which could not be neglected, she possessed a colonial domain whose ramifications were spread all over the world. France must have the weapons she needed to defend her possessions, just as she must have the weapons necessary to the safety of her transports and her lines of communication between the mother country and her colonies, both near and distant. In time of peace France scattered her military forces throughout her possessions; her forces, as the committee knew, were divided among the mother country, North Africa, and her various colonies.

There was, then, a logical connection between her indispensable military power and her naval force. She ought in any event to keep the means of assuring the safe transportation of her troops to the mother country, and for this purpose she must decidedly have at her command a certain force. This was why, after having consented to the sacrifice which had been asked of her in the matter of capital ships, she came there to set forth the situation; to state in all frankness and all simplicity the obligations and the reasons of her naval program, which was based on needs whose reality could not be doubted. And when the French delegation had laid before the committee the sincere, definite, and precise reasons for France's program, how could it be suspected of any secret designs against which the very frankness of its explanations protested?

As to the myths, the imputations to which he had referred as possibly penetrating beyond the circle of the powers there represented, he was astonished at the interpretation put upon them; he had said nothing—there was no need to insist on the fact—which was especially aimed against Great Britain. And if, on the contrary, he had outlined these fears very frankly to the committee, it had been because the reproach to which he had already alluded might some time be laid against their common work, against all the powers, without exception, which were deliberating there, and because he wished to avoid for all the powers there present, without exception, any suspicion of having attempted to

reduce to vassalage those powers, large and small, which had not participated in these counsels, by removing from them their weapon of defense, the submarine.

In fact, if Mr. Balfour harbored the slightest idea that he wished to impugn the motives of Great Britain, the words spoken by him (Mr. Sarraut) at the beginning of his speech would bear witness to the affectionate feelings which had continually inspired his thoughts. He had then stated clearly that the might and the safety of Great Britain constituted one of the essential safeguards of the peace of the world and of the progress of civilization. Who, moreover, would dream to-day of speaking of the possible hegemony of any country in the world? That dream of an earlier day, which was of a whole people, had forever vanished in the last war. And it was Mr. Balfour's own country which had largely contributed to the overthrow of that hegemony by a contribution toward the victory of right which would remain the honor and the supreme glory of Great Britain.

Nevertheless, the fact remained that, in the fulfillment of the task which the conference was engaged upon, the susceptibilities of certain peoples had to be taken into account. He had said that, if one wanted to settle such a question as that of the suppression or retention of the submarine, the small powers should be aligned by the side of the great, because the small ones had also the right to express their views and make their voices heard.

In conclusion, Mr. Sarraut said he could not express himself otherwise, even when speaking on behalf of a country whose liberal and peace-loving sentiments could not be mistaken, even when dealing with the problem of her safety on land and at sea. The creation of a will to peace in the world could be based only on confidence and a spirit of justice. This was the deep conviction which must be imparted to all nations; they should be persuaded of this fact, not by having it forced on them but by letting it penetrate gently into their minds. This, and nothing else, was what he had said.

The chairman said that he thought the committee had proceeded to a point where it must be concluded that it was not possible to reach an agreement on the matter just discussed. It had been the highest privilege to listen to the strong and persuasive arguments of Mr. Balfour. It would be superfluous to say that the arguments he addressed to the committee had been perfect in construction and comprehensiveness and admirable in their entire candor. All present must feel that they were his debtors for the intellectual pleasure he had given them. The chairman wished, however, to express a far deeper sense of obligation. The conference had been called for the limitation of armament; and the economic importance of limitation had been emphasized. But in that way, limited though it might be, the conference was striving

to lay a basis for an enduring peace. That was the real point of their effort. What had impressed him most in Mr. Balfour's statement was the spirit with which it was imbued and the manifest desire to present and enforce, against apparently hopeless odds, a proposition which was deemed important for the maintenance of the peace of the world and for such an adjustment of weapons of war as might favor the maintenance of conditions of peace. He said that he wished to express his profound sympathy with what Mr. Balfour and Lord Lee had said; their argument had derived force not only from humanitarian sentiment, not only from abhorrence of the atrocities of submarine warfare, but also because it had been buttressed by facts drawn from the extended experience of Great Britain—an experience which presented tests of all the questions raised here. If the argument of Mr. Balfour and Lord Lee could be answered, the chairman thought that that answer had yet to come. He perceived from his more or less impartial position the great difficulties involved in presenting a technical answer. He distrusted his ability to judge of the technical naval argument, but he believed that those taking upon themselves the burden of that effort would have much to do.

He was quite aware that in the United States there was widespread sentiment against the submarine, largely due to the feeling that had been aroused by the abhorrent uses to which the submarine had been put. There was a very strong sentiment against the submarine, and that as an offensive weapon it should be outlawed, a feeling that would be powerfully reinforced by what had been said here. While the chairman felt that there was no immediate prospect of the adoption of the proposal, the words of Mr. Balfour and Lord Lee would carry far beyond this conference and powerfully influence the development of public opinion throughout the world. He was not prepared to say that their suggestions might not ultimately be successful in inducing the nations to forego the use of a weapon which, as Mr. Balfour had urged, was valuable only as an aggressive weapon, and then only in a form of aggression condemned by humanity and international law.

There existed a very great difficulty because of the difference of technical opinion on this point. Naval experts did not agree, and it was impossible to ignore their views. So far as the United States was concerned, the matter had been examined by the advisory committees, which, although it had not had the advantage of hearing these arguments, had nevertheless produced an able, illuminating, and conservative report. As France, Italy, and Japan had manifested an inability to agree, it would be impossible at this time to expect a result favorable to the adoption here of a resolution to abolish the submarine.

The chairman said that he had had the pleasure of conferring with the President in regard to this matter, and had found him deeply impressed with the strength of the arguments presented and the spirit animating them. If at any time it were found to be feasible to take the matter up, the United States Government would give it their most serious attention. The chairman hoped that what had been said here would prove provocative of thought throughout the entire world. When adherence could be expected to the principle of abolition the subject would be again considered. He hoped that it would be clearly understood that the submarine would not be countenanced as a weapon really suited only to offensive attack (if that be the fact) under the guise of a weapon which was only available for a very limited purpose of defense (if that, too, be the fact). He was not a naval expert; the position of the American Government was as well set forth as it could be in the statement of the advisory committee. The American Government welcomed the discussion as of the utmost importance and was greatly impressed by the strength of Mr. Balfour's arguments in the light of the experience of the late war.

What could be done? It had been said that there were other powers which were not represented here. The powers participating in the Conference on the Limitation of Armament were bound not to use that conference to impinge upon the full liberty of discussion of those desiring to be heard in a matter relating to their defense. A moral offensive—if he might be permitted to use that term—should not be conducted against them. He felt in honor bound by what had been communicated to him by other powers not represented on the committee that nothing should be done which would compromise their position on a question which they believed related to their security, or which might prevent them from taking the measures they thought necessary for their defense. A discussion, however, which tended to bring out the truth would be as helpful to those who were not present as to those who were represented. •

He hoped that the discussion would lead the five powers present to agree to a denunciation of the illegal methods of submarine warfare in terms clearly understandable and to bind themselves to assure the application of the principles of international law in connection with submarine warfare and to consider and debate what could be done to strengthen the laws governing the use of this weapon.

The chairman then said that unless further discussion of the principle of the abolition of the submarine was desired the committee should consider its restriction, numbers, tonnage, etc. He believed that those who considered that the submarine was essential should frankly tell the committee how far they were pre-

pared to go, what their minimum requirements were, and how far they were prepared to accept reduction or restriction. The point of limitation of armament as regards submarines had been reached. With respect to the point of proposing and considering the law in the case, that matter was one where the precise phraseology must be carefully considered. With the permission of the committee, precise proposals would later be brought forward by the American delegation, pending which the committee was ready to discuss the subject of the limitation of the tonnage of submarines and all that pertained thereto. He would therefore ask the delegates to express themselves on that point.

Mr. Balfour asked that he be allowed to express, on behalf not only of himself but of his colleagues on the British Empire delegation, their thanks for the speech which the chairman had just delivered. They thought that it was the happiest augury for the future. Looking at it from the point of view of peace, and in so far as peace could not be attained with humanitarian conduct of war, they regarded the chairman's utterance from those two points of view as a great step forward, and they did not doubt that it would find an echo in all parts of the civilized world and would greatly promote the cause they had so much at heart. The chairman had indicated that it would be for the general convenience that this stage of the discussion should now be brought to an end, and certainly he believed that to be right. He asked, however, to be permitted to have placed formally upon the committee's records the views, very briefly expressed, of the British Empire delegation, which would take the following form:

"The British Empire delegation desired formally to place on record its opinion that the use of submarines, whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment."

The chairman assumed that there was entire agreement that the statement just read by Mr. Balfour should be placed on the record, and that as the views of all the delegates had been heard with regard to the abolition of submarines, the committee might proceed to the discussion of the limitation of submarine tonnage.

In the course of the discussion it had been remarked that as far as submarines were concerned the American proposal was hardly a limitation. The American delegation thought that, so far as American submarine tonnage was concerned, the remark in question had been based on a misapprehension, and that there had been a reduction—from 95,000 tons to 90,000 tons—slight, to be sure, but still a reduction.

He desired, however, to make this suggestion. It was impossible to hear all the arguments regarding submarines without

forming an impression of the views entertained by the delegations on this matter. The American delegation was entirely willing to accept instead of 90,000 tons, proposed as the maximum limit for the United States, 60,000 tons, thus scrapping 35,000 tons of the existing submarine tonnage, on the basis that Great Britain should also accept 60,000 tons as the maximum limit of submarines and scrap 22,464 tons, her present amount of submarine tonnage being 82,464 tons, according to the American figures. Then, in a desire to make whatever accommodation was possible to meet the views entertained by the other delegations, the chairman suggested that if the United States and Great Britain each reduced the maximum limit of their submarine tonnage to 60,000 tons, France, Japan, and Italy should retain the tonnage they have—in other words, maintain the status quo as regards submarine tonnage. He made the suggestion in order to show that so far as the American Government was concerned it was not in favor of anything that savored of expansion. This was a conference on limitation.

In reply to an inquiry by Lord Lee the chairman said that he understood that the present submarine tonnage of Japan was 31,452 tons; that of France, according to the figures given the other day, was 31,391 tons, and that of Italy somewhat less—about 21,000 tons.

The meeting then adjourned until 3.30 p. m., December 24, 1921.

EIGHTH MEETING, COLUMBUS ROOM, PAN AMERICAN UNION BUILDING, SATURDAY, DECEMBER 24, 1921, 3 P. M.

PRESENT.

United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz.

British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield. (For Canada), Sir Robert Borden. Accompanied by Mr. Wright, Mr. Clark. (For Australia), Senator Pearce. (For New Zealand), Sir John Salmond. (For India), Mr. Sastri, Accompanied by Sir Maurice Hankey, Captain Little, Captain Domville, Mr. Christie.

France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Captain Odend'hal, Mr. Ponsot.

Italy, Senator Schanzer, Senator Polandi Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Captain Uyeda. Accompanied by Mr. Ichihashi, Commander Hori.

The Secretary General, Assisted by Mr. Cresson and Mr. Wilson; Mr. Camerlynck and Mr. Talamon, Interpreters.

1. The eighth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building at 3 p. m. Saturday, December 24, 1921.

2. There were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Christie; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori.

The secretary general, assisted by Mr. Cresson and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were present.

4. The chairman (Mr. Hughes) said that the committee would now proceed from the point reached in the discussion before the recess, when he had modified the American proposals concerning submarine tonnage.

Mr. Balfour stated that in so far as the British delegation was concerned they accepted the proposal as set forth by the chairman.

Admiral de Bon said that he had on the previous day explained that a submarine force composed of 90 boats only corresponded to 15 to 20 units ready for action. This, he said, was a minimum limit for a submarine fleet and was in no way to be considered a figure of speech. To speak, therefore, of reducing the French force below this limit was equivalent to abolishing the whole French program and opening a door to a fresh discussion of the whole problem considered that morning. The new figures proposed were so far below those contemplated by the French instructions that the French delegation was unable to accept them and must refer the whole matter to their Government.

Senator Schanzer said that his colleagues were acquainted with the principles upon which, according to his opinion, the solution of the problem of naval armaments must be based. These principles had been laid down ever since the first meeting of the committee; they had been accepted and could not be departed from even to-day.

These principles were the parity of the Italian fleet with all other large neighboring fleets and the reduction of naval armaments to the quantity strictly necessary for a defensive naval policy.

The above principles had been applied in regard to capital ships; they must also be applied with regard to the other categories of naval armament.

He added that, in view of the entirely special conditions of Italy's maritime position, she could claim, without being accused of advancing excessive demands, an even greater proportion with regard to categories other than capital ships, such as submarines and light craft.

He appealed to the explanations which Mr. Balfour himself had made yesterday in his eloquent speech in reference to Italy's almost insular geographical situation, in consequence of which she depended on the sea for her supply of food and of the most indispensable of her raw materials, and the extent of whose coasts exceeded by far that of all other countries in the Mediterranean.

It was also true that the conditions of her submarine flotilla were absolutely insufficient from a technical point of view.

Despite the limited field of operations in the Adriatic Sea and the proximity of the enemy's naval bases to her own (roughly 100 miles), Italy found during the war that her submarines were insufficient, both with regard to their field of action and to their habitableness; in other words, they were too small for efficient use, and Italy was indebted to the cooperation of French and British submarines for having been able successfully to meet the situation.

Since the armistice Italy had demolished as many as 30 submarines; she was actually left with 43 units in active service and 4 under construction, the total amounting to 20,250 tons.

Only 10 of the first units could be considered of any utility, since they were of more than 700 tons displacement; the others would have to be successively replaced. Although some naval technical authorities in Italy believed that the allotment of submarine tonnage should not necessarily be proportionate to that of capital ships, and that the quota of 31,500 tons for submarines corresponding to the American proposal of a tonnage of 175,000 in capital ships was not sufficient, the Italian delegation was ready in the interest of reduction of armaments to accept this amount upon the condition of parity with France.

The principle of parity had been fully accepted by France, and Senator Schanzer took this occasion to observe that the friendly attitude of the allied nations would greatly contribute to strengthen the cordial relations of friendship between France and Italy which constituted one of the principal guarantees of peace in Europe.

The Italian delegation were convinced on the other hand that, considering the particular conditions which had been pointed out, the chairman would have no difficulty in agreeing that the total tonnage of Italian submarines should be fixed at the above-mentioned limit of 31,500 tons, on the well-understood condition that the same limit should be accepted by the neighboring nation.

Concerning this point they had precise and categorical instructions from their Government.

The chairman stated that Senator Schanzer's suggestion was entirely acceptable. The situation now appeared to stand as follows: The United States of America and Great Britain were willing to accept as a maximum for submarine tonnage the figure of 60,000 tons. The French delegation was not able to formulate its demands, and would not be able to do so until they received instructions from their Government. The Italian delegation was willing to accept 31,500 tons as a maximum, providing that Italy was put on a parity with France.

Mr. Hanihara then said the Japanese delegation had been profoundly impressed by the able and powerful arguments of their most esteemed British colleagues against submarines which it had been not only a privilege but an inspiration to listen to. And yet the Japanese delegation was unable, he had to confess, to convince itself that the submarine was not an effective and necessary weapon of defense.

The Japanese delegation hoped that it had made clear, at the time when the provisional agreement was reached between the United States, Great Britain, and Japan on the question of the capital ship ratio, that the acceptance by Japan of the ratio of 5:5:3 meant for Japan a considerable sacrifice. Yet, because of her desire to contribute toward the achievement of the great object for which the conference had been called, Japan finally accepted the said ratio under various great difficulties. In the same manner Japan was prepared to accept the same ratio in regard to submarines. That would have given Japan 54,000 tons. So far as Japan is concerned this figure was considered as the minimum of submarine tonnage with which the insular position of Japan could be adequately defended.

The new proposal was to allow the United States and Great Britain 60,000 tons each, while France, Italy, and Japan were to maintain the status quo in regard to their respective submarine tonnage. In other words, under this new plan, Japan would be

allowed to have only 31,000 tons. That was considered by the Japanese delegation to be wholly inadequate for Japan's defensive purposes.

The Japanese delegation, therefore, felt constrained to insist upon the assignment of the tonnage proposed in the original American project, i. e., 54,000 tons of submarines.

Without wishing for a moment to debate or to call in question any part of the arguments so ably and so eloquently presented by the various delegates, Mr. Hanihara hoped that he might be permitted to point out that this demand on the part of Japan was actuated solely by consideration of defense. Japan was geographically so remotely situated that it must be evident to all that her submarines could not constitute a menace to any nation.

The chairman said he did not know whether it would be possible to make further progress that afternoon, in view of the fact that it was necessary for the committee to hear first from their French colleagues regarding the proposals which had been made. That matter had first to be cleared up. Their Japanese colleagues still asked for 54,000 tons, even in face of the American and British reduction from 90,000 to 60,000 tons. The situation, he believed, had been clarified as far as possible at the present meeting. He asked whether further discussion was desired; unless so desired, he proposed postponing the matter until Monday or Tuesday.

Mr. Balfour then said that as the committee appeared to be at the end of their day's program he would like to ask the chairman and his colleagues whether a technical examination should not be initiated of the system of naval tons and the measurement of tonnage. He had been brought to make this suggestion by a discovery, made somewhat late in the day, that although there had been much talk of "tons," different nations did not always mean the same thing. The United States had one method of measurement, the British another, the French a third, the Italians a fourth, and the Japanese a fifth. He did not say that it mattered very much in ordinary circumstances which system of tonnage was employed; but now that international arrangements were being made for the future he thought it eminently desirable and almost indispensable to settle two questions. First, to decide the system of measurement of tons for incorporation in the treaty; and, second, to adopt a system which could be measured without difficulty and, above all, without any international misunderstanding as to its precise meaning. Nothing could be more unfortunate than a controversy arising as to what ton was intended, how the measurement was to be made, and whether the measurement had been properly and honestly reached. He suggested this question might with advantage be referred to technical experts. Although he believed that this

matter was outside the range of thought of the ordinary naval officer, yet he believed that among the various delegations people could be found who could reach a proper conclusion. This would be a fitting corollary to the labors of the conference, which in many respects had already been brought to a satisfactory conclusion. Whether the total tonnage should be a multiple of that of the largest ship he did not venture to say, but he thought all would agree that to establish exactly what a ton meant must be desirable. How this inquiry, if approved, should be carried out he would gladly leave to the discretion of the chairman.

The chairman said that the matter of tonnage had already been informally discussed; the British, with their legend ton, according to Mr. Balfour, came within 4 or 5 per cent of the American ton, and Admiral Kato had said that the Japanese ton was even closer to the British than the American. The chairman said he thought the suggestion of great importance; while the difference was not great, the method of arriving at the calculation was the question on which it was necessary to agree. He suggested that a subcommittee of experts should determine upon the standard ton. If it were agreeable to the committee, he would suggest that each of the delegations appoint two naval experts for the purpose of arriving at a definite conclusion in this matter. This procedure was agreed to and the following subcommittee on naval tonnage was named:

United States: Admiral Taylor, Admiral Pratt.

British Empire: Rear Admiral Sir Ernle Chatfield, Instruction Commander Stanton.

France: Capitaine de Vaisseau Frochot, Capitaine de Vaisseau Dupuy-Dutemps.

Italy: Vice Admiral Baron Acton, Commander Prince Fabrizio Ruspoli.

Japan: Vice Admiral Yamanashi, Lieut. Commander Taji.

Mr. Sarraut stated that, in view of the fact that the new American proposal contemplated a considerable reduction in the submarine tonnage which appeared necessary to the French Government, the French delegation could not do otherwise than await instruction.

The chairman said that it was so important to have full deliberation with respect to the matters raised that he wished in no way unduly to hasten the matter. Moreover, unless it was certain some useful work could be done, it would be better to take a holiday, in order not to subject the members of the committee to possible unnecessary inconvenience. An adjournment until Tuesday morning seemed in order, and he would set the time of the next meeting for Tuesday, December 27, 1921, at 11 a. m.

Mr. Sarraut said that before adjourning he wished to refer to one more matter—the delegates were well aware that all were subject to the solicitations of the press in the very natural desire of these gentlemen to be fully informed with respect to the news of the conference. The French delegation deemed it their duty to revise the somewhat copious report of the last sessions before publishing the same. He then asked whether the secretary general would not be the proper person to charge with transmitting the texts which the delegations might desire to have published.

The chairman said that an important distinction must be observed between what was stated outside to newspaper men and that which concerned the communiqué. The former lay in the discretion of the delegates; the latter was an official statement, an abstract of what had passed, subject to the discretion of the committee. In order that each delegation might be correctly represented, he assumed that the secretary general arranged for a revision of their remarks in order that the statements of their official communiqué might be deemed accurate. This seemed to be entirely in accord with Mr. Sarraut's desire.

The other delegations formally agreed to the above.

The chairman added that it was not his intention to confine to the secretary general the statements to be given out. The delegations were free to give out what they wished privately, but the official statements issued by the secretary general must above all assure accuracy and completeness, with the aid of the secretaries of the various delegations. The chairman asked for comments upon the above, but no remarks were made.

The meeting then adjourned until Tuesday, December 27, 1921, at 11 a. m.

NINTH MEETING—WEDNESDAY, DECEMBER 28, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Colonel Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Knowles.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general. Assisted by Mr. Pierrepont, Mr. Osborne, and Mr. Paul.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The ninth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Wednesday, December 28, 1921, at 11 a. m.

2. There were present: Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz (for the United States); Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield (for the British Empire); Sir Robert Borden (for Canada); Senator Pearce (for Australia); Sir John Salmond (for New Zealand); Mr. Sastri (for India); Mr. Sarraut, Vice Admiral de Bon (for France); Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton (for Italy); Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda (for Japan).

3. Secretaries and advisers present included: Mr. Wright, Mr. Clark (for the United States); Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Knowles (for the British Empire); Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot (for France); Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco (for Italy); Mr. Ichihashi (for Japan).

The secretary general, assisted by Mr. Pierrepont, Mr. Osborne, and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) announced that the committee was ready to continue the discussion with respect to submarines.

Mr. Sarraut, on behalf of the French delegation, read the following statement:

"At the last meeting of the committee, and as the outcome of the examination of the submarine question, a proposal was made to fix for each of the nations represented in the conference the submarine tonnage that they might possess. Instead of the 90,000 tons required by France, it was proposed that this tonnage should be limited so far as France is concerned to 31,500 tons.

"Confronted by such a considerable reduction of the figures which had been given as the minimum of what France considered necessary for herself in the future, the French delegation was obliged to refer the matter to its Government.

"At a meeting of the cabinet and of the supreme council of national defense the situation was examined and discussed with the most earnest desire to do whatever seemed possible to further the aim of the conference and assist in reaching results.

"This deliberate intention has been carried out in the resolution passed at the meeting as regards capital ships.

"As a token of the readiness of France, it has been resolved to accept the reduction to 175,000 tons of her tonnage of capital ships, although it seems practically impossible with such reduced tonnage to constitute a naval force composed of ships such as those which it is contemplated to build, and one normally organized, according to the tactical principles in force in every fleet.

"The conditions of application of the agreement as regards capital ships will be easy of settlement by taking into account such qualifications of it as may usefully be introduced in carrying out the naval holiday with regard to freedom of action in laying down, as from 1927, ships intended to replace, within the limits of the admitted tonnage, French ships as they reach their twentieth year of existence.

"It will be likewise easy to settle the question still outstanding of the duration of the agreement as to limitation of capital-ship tonnage.

"After examining, on the other hand, the composition of the forces needed by France in auxiliary craft and submarines which are specially intended for the protection of her territory and its communications the cabinet and the supreme council of national defense have reached the conclusion that it is impossible to accept a limitation below that of 330,000 tons for auxiliary craft and 90,000 tons for submarines without imperiling the vital interests of the country and of its colonies and the safety of their naval life.

"The French delegation has been instructed to consent to no concession in regard to the above figures.

"To sum up, France accepts, as regards capital ships, the sacrifice which she must face in order to meet the views of the conference and which represents an important reduction of her normal sea power. She limits her program for the future composition of her fleet to 330,000 tons for auxiliary craft and to 90,000 tons for submarines.

"While regretting that she can not possibly, under the present circumstances, entirely carry out the reductions and limitations contemplated in the American proposal, she at least feels quite certain that she is taking an important share in the work of the conference by reducing the French naval power in capital ships, a weapon specifically offensive and particularly costly, and by accepting a limitation for craft of other categories."

The chairman said that the committee had heard the statement on behalf of the French Government. It was a definitive statement, made after careful deliberation, and he assumed that it should be accepted as the final expression of the attitude of the French Government in regard to the limitation of naval arma-

ment. He was greatly gratified at the willingness of the French Government to limit the tonnage of their capital ships to 175,000 tons. He felt that the importance of this statement should not in any way be minimized. Capital ships were the chief weapon of offense. If the conference could succeed, as it was now evident that it would, in reducing in a fairly satisfactory manner armament as represented in capital ships, it would have done much to relieve the burden of taxation and would aid in establishing a better basis for a lasting peace. He wished to repeat that he was highly gratified and appreciated the manner in which the problem had been approached by the French Government. He understood that there were, however, certain reservations with respect to replacements and the duration of the agreement. These matters must receive further consideration and be the subject of continued negotiations.

He confessed that he was disappointed with the statement concerning submarines and auxiliary craft. If submarines were to be available for distinctly defensive purposes in connection with the movements of fleets, it would seem that they should bear some definite proportion to the fighting fleets. That is, if they were to be used in connection with the laying of mines, scouting, etc.—the necessities inherent in large defensive preparations—they should bear some relation to the operations of the fleet as a whole. The suggestion that France should have 90,000 tons of submarines would, on any basis of a practicable ratio, involve the assumption that Great Britain and the United States should greatly increase their submarine tonnage. This could hardly be called a limitation or reduction. Furthermore, if a large number of submarines were to be provided, then cruisers and destroyers, the natural enemies of submarines, would have to be provided in numbers adequate to deal with the situation created by a large submarine fleet. It was a serious question whether there was hope of accomplishing anything like limitation in regard to submarines and auxiliary craft. He understood that the attitude of the French Government was that, regardless of the requirements of other nations, 90,000 tons of submarines was deemed to be the minimum essential for France. If this were so, the suggestion of 330,000 tons of auxiliary vessels for France would have its bearings on what was considered necessary for the other nations and might make it difficult to arrive at an agreement limiting submarines and auxiliary craft. He did not desire at this time and in view of the existing situation to discuss details, but he wished to say that an agreement for the expansion of armament was not under consideration. The conference was called to consider the limitation of armament. He left it for the committee to decide in the light of the very definite statement of the French Government what was practicable to be done.

In conclusion he wished to say that in expressing his disappointment in regard to submarines he did not wish in any way to detract from the importance of the definite acceptance by France of the program for capital ships. This was a matter of the first importance, and he could assure his French colleagues that their attitude was cordially and sincerely appreciated.

Mr. Balfour admitted, as the chairman had justly pointed out, that there was a side to the statement just made by their French colleagues which profoundly disappointed him. The French position with regard to disarmament on land they already knew. What was their position with regard to disarmament on sea? They were prepared, and he rejoiced that they were prepared, to accept the ratio which gave them 175,000 tons of capital ships. He was glad that the French Government had accepted that all-important part of the American program, and he agreed that if nothing else was done by the conference in reference to naval disarmament, the scheme already in sight with regard to the limitation of capital ships did immensely relieve the burden of armament upon an overburdened world. He did not feel himself that the sacrifice on the part of France was in itself of an overwhelming character, even in regard to capital ships, for the thought that if the naval strength of a nation was to be estimated in relation to the naval strength of other nations, it would be found that the relative strength of France under the arrangement already accepted in regard to capital ships would be increased. He did not begrudge her that increase; he rejoiced in it.

But when he turned from the matter of capital ships to the matter of other craft he confessed that a very different picture met the eye. The French proposed to increase the number of submarines threefold. If they carried out that intention, it was evident that they would not only be equal to the other two greatest naval powers, America and Britain, in point of tonnage, but that they would have a very much larger proportion of submarines of a newer type than either of them. He understood the submarine was still in process of development; it was still adding to its powers of offense, and each new model was an improvement on the capacity of its predecessors for commerce destruction. Thus it was certain that when that program was carried out the French quota of submarines would exceed that of any other power in the world. It had further to be noted that their French colleagues accompanied their view of the necessity of submarines with the announcement that they intended greatly to increase the tonnage of their auxiliary craft. It must be acknowledged that this constituted a somewhat singular contribution to the labors of a conference called for the diminution of armament. Considered in connection with the refusal of the French delegation to discuss land armament, this position must

cause anxiety and disappointment to those who had come to the conference with high hopes regarding the limitation of naval armament. Furthermore, it had to be observed that the pleasure derived from the agreement with regard to the limitation of capital ships was subject to qualification. He understood that the French intended to begin replacing ships in 1927.

This seemed to be a serious interference with the proposal for a 10 years' naval holiday, but that was only a small part of the anxiety and disappointment which the French program had created in his mind. They had now come forward with a great building program of submarines and auxiliary craft. He was perfectly unable to conceive how that could be regarded as a defensive policy. If submarines were to be used as a strictly military weapon, in the manner contemplated by the American advisory committee, how came it that a fleet of capital ships limited to 175,000 tons required 90,000 tons of submarines to scout for it and protect it? And if 90,000 tons of submarines were really required for a fleet of 175,000 tons of capital ships, how many submarines would America and Britain require to build to assist their fleets of 500,000 tons? It was perfectly obvious that the proposed 90,000 tons of submarines were intended to destroy commerce. They could not be intended for any other purpose. It therefore appeared that, at a moment when the delegates were all assembled to discuss the limitation of armament, they were asked to agree to its increase, and that a country which did not desire to be among the first three naval powers in the world proposed, nevertheless, to build instruments of illegitimate warfare to an extent equal in numbers and superior in efficiency to those legitimately required by any other fleet in the world. We should, therefore, have the melancholy spectacle of a conference called for the limitation of armaments resulting in a vast increase in the very weapon which the most civilized elements in all civilized countries condemned. For the moment he need say no more. The whole of this controversy would again come up before the public conference. For that occasion he reserved himself.

He must, however, dwell shortly on the effect which the British declaration of naval policy must inevitably produce upon British opinion. It was perfectly clear that if at Britain's very gates a fleet of 90,000 tons of submarines (60,000 tons of which were to be of the newest type) was to be constructed, no limitation of any kind on auxiliary vessels capable of dealing with submarines could be admitted by the Government which he represented. Public notice had now been given in the most formal manner that this great fleet was to be built on the shores nearest to Britain, and it would necessarily be a very great menace to her. He had no doubt, if the occasion ever arose, that Britain would be equal

to it, but it was on condition that she reserved the full right to build any auxiliary craft which she considered necessary to deal with the situation.

Senator Schanzer said that the Italian delegation did not dispute the importance of an accord with respect to capital ships, but they could do no more than to express their deep regret that it was not possible to arrive at an arrangement concerning auxiliary boats and submarines.

In the absence of an agreement concerning the limitation of the latter, it was but natural that each nation should retain full liberty of action. At the same time it was impossible not to realize that the absence of such an agreement would give new impetus to the competition of naval armament respecting auxiliary craft and submarine which could only have a most unfortunate effect on the finances of the countries interested. It was not his intention to discuss what France considered necessary for her national security; but he would not attempt to conceal the fact that the naval program announced by France was one which gave him serious concern from the point of view of the economic sacrifices which might follow for Italy, as well as from the point of view of the political consequences which it might produce. This was all the more true because the solution of the land armament problem had been deferred.

The chairman said he gathered from what had been said that it was not deemed practicable to reach an agreement on the basis suggested by his French colleagues, and that it was apparent that other powers desired freedom of action with regard to the construction of auxiliary craft which would be built to deal with submarines.

He assumed that Mr. Balfour, in referring to the entire liberty of action of Great Britain in this respect, did not intend to include capital ships, nor did he understand that it was intended to build, under the guise of auxiliary ships, vessels which might possibly come within the category of capital ships.

He desired to present, for the consideration of the committee, the suggestion that, if it was not possible to reach a satisfactory agreement for the limitation of the total tonnage of auxiliary craft, some arrangement might perhaps be made defining the tonnage limit of individual ships. He therefore desired to propose the adoption of the following resolution:

"No ship of war other than the capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no guns shall be carried by any such ship with a caliber in excess of 8 inches."

Mr. Hanihara said that he desired to be permitted to say a few words in order to avoid possible misunderstanding as to Japan's attitude with regard to the question of naval limitation. The

Japanese delegation believed that by the agreement which had been reached as to the ratio of capital ships a great step forward had been made toward the attainment of the high aim of the conference, thereby relieving the powers concerned of the heavy burden of costly armament. At the same time they thought it would be a misfortune if the conference failed to come to an agreement as regards the limitation of auxiliary combatant craft. The Japanese position was not to claim freedom to build auxiliary combatant craft, but, generally speaking, to maintain the tonnage allotment of auxiliary craft provided in the original American proposal of November 12 in order that an agreement might be reached as between the powers concerned on this basis and that full and final success of the conference might thus be assured.

Mr. Sarraut said that the decisions of the French Government, which he had had the honor of imparting to the conference, had just given rise to certain observations which he could not allow to go unanswered. If this reply had not been immediate, it was because he wished first to hear the remarks of each delegation regarding his statement.

To speak frankly, he was not there to make comment on the orders of his Government, which possessed an authority and a weight which sufficed in themselves; the decisions which he had just communicated to the committee had been carefully considered by the highest authorities representing national sovereignty in his country, from whose hands he had received them respectfully and had brought them, just as they stood, to the conference.

It was his duty, however, and he performed this duty in the perfectly friendly spirit which had never ceased to animate the French delegation, to take up the allegations which had just been made, certain ones of which he found wholly unacceptable.

Certain delegations, while expressing their satisfaction at seeing France accept the reduced proportion of capital ships which had been allotted to her, had expressed real disappointment on learning that the French Government was unable to make similar sacrifices in regard to other classes of vessels.

Mr. Sarraut wished to say that this disappointment, if it existed, must already have had its counterpart in his own country when it was learned there how the amount of tonnage allotted to France had been authoritatively determined without taking any account of her manifest and ascertained needs and of the absolute necessities of her defense, the security and safeguarding of which no country was justified in intrusting to the care and good offices of its neighbors.

It was this idea, this conception of the true needs and interests of France and of her colonies, which had inspired the decisions of the French Government; it was this idea which both guided and limited their demand; and this idea was in no way influenced by

any comparison with what France's neighbors were doing or by any anxiety to measure her naval force against theirs.

Herein lay the profound difference between the French point of view and that of others. France had not determined upon her needs and her demands after examining the consequences to the French Navy of the increase of the naval power of certain neighboring countries with whom she maintained, under the happiest of conditions, relations of friendship, cooperation, and alliance. France was not guided by any fear of what their strength might be, precisely because they were friends. Great Britain, with her 525,000 tons of capital ships, would possess a fleet of great vessels stronger than the corresponding fleets of France and Italy put together. France, however, did not take offense at that. She was not in any way haunted by this prospect, any more than she was apprehensive of the fact that the fleets of the other friendly nations, the United States and Japan, would be considerably increased in comparison with her fleet.

Why, then, it had been asked, was a submarine fleet such as was demanded by France a necessity for her? Did France quibble over the needs of the others? Did she call into question their possible intentions? Did she suspect them? Assuredly not. It was not only the right but the duty of each country to assure its safety by its own means, and it was perfectly possible to consider this problem without being haunted by the idea of a possible aggression on the part of a neighbor. That others should apply to France such a method of reasoning while she did not think of applying it to them could not possibly be permitted. This would be still more painful to the French delegation and would appear to them more especially inadmissible at this table around which they and their colleagues were gathered in a spirit of the most cordial cooperation, and at the very moment when, in bringing the answer of France in regard to capital ships they were furnishing the most positive proof of the effective participation of their country in the success of the great ideals of peace aimed at by the conference.

If the answer of the French delegation in regard to other categories of vessels was not the same as for the capital ships, it was because of the tonnages which they had indicated corresponded to material needs of defense, to necessities of protection which must no longer be denied, since they would not cease to emphasize them. France had no desire to destroy merchant vessels, as Mr. Balfour had said; the contrary had formally been declared here, and this declaration had been echoed not later than yesterday in the debates which took place in the French Senate. But France had coast^o lines which she must defend; above all, she had a great colonial domain, second in importance only to that of Great Britain, which was distributed over all the seas,

and concerning which she might have, Mr. Sarraut presumed, anxiety in regard to its defense, its police, and its supervision.

France had the duty of safeguarding the communications of these colonies with the mother country; and as he had already said, in case of war safety of transportation to France of her troops over-seas would be among the first of her obligations. This was not a mere theory. Had it not been seen how, in the last war, a belligerent had transformed merchant ships into auxiliary cruisers or into privateers to torpedo French transports; and had not this been done against all the allied navies? And should it cause surprise here to see the minister of colonies of France take account of colonial considerations and call to mind that France's colonial empire, though some would seem to be ignorant of the fact, really existed, and that its needs, as well as its interests, must be strongly affirmed, defended, protected, especially in regard to safety of communications with the mother country?

Mr. Sarraut said he must reiterate that the French delegation was bound by formal instructions from their Government; this was a fact of which he wished to remind the committee anew. They could not deviate from these instructions. He wished to repeat again that it was impossible for them to hear it said without protesting to the contrary that there was an inevitable and necessary correlation between what France was obliged to do and what her neighbors as a result would deem themselves obliged to do. Nor did he admit that there was an indispensable and logical connection between the proportion of a country's naval force in capital ships and the proportion of its auxiliary craft and submarines. That was an abstract rule which it had been felt should be laid down here. But the French delegates had shown why they could not recognize it. They were guided by the needs of France, duly stated, proved, and fully justified. This rule and no other thought had dominated their feelings on the question of submarines. They objected to having it believed or to having it said that the construction by France of a certain tonnage of submarines as a defensive weapon could be considered as a menace to any of her friends. If such a thought were to weigh all too heavily on the deliberations of the conference, if he found himself obliged to defend his country here against such a suspicion, the result would certainly be the elimination of the hopefulness and the enthusiasm with which he had so far collaborated in the work of relieving the burden of armaments, in accordance with the desire of France as clearly manifested by the sacrifice to which she had consented in the matter of capital ships. But, to tell the truth, he was not likely to be discouraged in this matter. The work was too beautiful and too generously humanitarian for the determination of the French

delegation ever to grow weary in their endeavors. They would remain faithful to the end to the noble aims of the conference.

Mr. Balfour assured Mr. Sarraut that he was the last man in the world whom he (Mr. Balfour) would suspect of hostile intentions toward his country, but the speech which Mr. Sarraut had just delivered was sufficient to show that he had not really understood the way in which Britain regarded the question now under consideration. Mr. Balfour begged him to consider one or two elementary facts without which he would not understand the position taken up by the British Empire delegation. While it was almost unthinkable that their respective countries could be on anything but the most cordial terms, one must not overlook the teachings of history. Britain had had many conflicts with France, though happily in the distant past. Britain had always been superior in naval armament and always inferior in land forces. Never in the history of France had she had to fear the power of Great Britain to strike a blow at her heart. In the nature of things that must be so. No inferior military power had ever yet been able to invade or seriously imperil a superior military power merely because she had more ships. Suppose the almost inconceivable happened and close allies became enemies, it was perfectly clear that in that case no British superiority of capital ships would imperil the life of France for an hour. To be fair he must admit that it might conceivably imperil some remote islands belonging to France; but France, with her land armament, would remain secure in the face of superior sea power.

He asked Mr. Sarraut to compare the position of France in the face of a superior British surface fleet with the position of Britain in the face of France with the largest submarine fleet in the world. She could use that fleet, if she chose, for commerce destruction, and it was difficult to believe that in time of stress she would not so use it. If Britain were unarmed against submarines it was evident that France, using that felonious weapon, could destroy her very existence. Therefore it was quite impossible for Britain to treat the submarine fleet with the serene and friendly philosophy shown by Mr. Sarraut in connection with the British fleet of capital ships. Mr. Sarraut talked of the absolute necessity for France of possessing a fleet of 90,000 tons of submarines. For what purpose? Not to cooperate with a fleet of 175,000 tons of capital ships. It was altogether out of proportion. What did he want the 90,000 tons of submarines for? According to Mr. Sarraut, it was not for commerce destruction, it was for the protection of France's lines of communication. There was no doubt that submarines were powerful for the destruction of lines of communication; but they were powerless to protect them. Mr. Sarraut would not obtain security for his lines of

communication by those means. For those purposes they were useless, or nearly useless. They were powerful weapons for one purpose, and for one purpose only, namely, the destruction of commerce; and it was not unreasonable that Great Britain, when threatened by the establishment within a few miles of her coasts of a vast fleet of submarines which were of no use except to destroy commerce, should say candidly that she could not look with indifference upon the situation which would be thus created.

He regretted that, he had been compelled to insist upon an aspect of the question which he would gladly have left undealt with. He did not yield to Mr. Sarraut in his conviction that the good feeling existing between his own country and their great ally across the Channel would remain unshaken through all the changes which time might bring.

With regard to the resolution which had been proposed by the chairman, he desired to intimate that Lord Lee would address the committee on that subject.

Lord Lee said he would pass to the resolution which the chairman had proposed a few minutes before, and which he hoped would be regarded by his colleagues as noncontroversial. It was, indeed, a necessary corollary of the agreement to limit capital ships, that there should also be a limitation on the size of other classes of ships. Otherwise it would be possible to build so-called light cruisers which would be capital ships in disguise and which would impose upon the world a fresh competition of armament which would be as costly as that which had preceded it. He understood there had been a certain amount of conversation between the naval experts of the countries represented at the conference, and he was led to suppose that there was an agreement that 10,000 legend tons—or whatever kind of tons were agreed upon—would be a reasonable maximum size for all ships other than capital ships or aircraft carriers. He thought also that there was a general agreement regarding the limitation of guns to 8 inches. So far as Britain was concerned, she had no gun in excess of $7\frac{1}{2}$ inches. He understood France had a gun of an approximately similar size, namely, 7.6. That seemed a reasonable figure to fix, but if for any strong reason it was desired to fix 8 inches Britain would not oppose any serious objection to that size. He thought it was essential that the limitation of armament should apply also to the aircraft carrier; otherwise, while prohibiting capital ships, one might have what would be in effect a capital ship with the addition of flying appliances. He did not want to discuss, on this occasion, the matter of the limitation of tonnage of the aircraft carrier, but he thought the resolution should be amended to read as follows:

“No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of

10,000 tons, and no gun shall be carried by any such ship, other than a capital ship, with a caliber in excess of 8 inches."

The chairman stated that the American Government had no objection to the amendment proposed by Lord Lee.

Mr. Hanihara said he would like to have further discussion postponed until the afternoon or the following morning.

The chairman asked what was the pleasure of the committee. He assumed that what had been said that morning could be given to the press, each delegate having the privilege of looking over and correcting his own remarks, as they were to appear in the statement to the press.

Senator Underwood said that the subcommittee on Chinese revenue was to hold a meeting in the afternoon; he would therefore have to absent himself from the afternoon meeting of the committee.

The meeting then adjourned until Wednesday, December 28, 1921, 3.30 p. m.

TENTH MEETING—WEDNESDAY, DECEMBER 28, 1921, 3.30 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Denaint, Capt. Oden'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The Secretary General, assisted by Mr. Cresson and Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The tenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, on Wednesday, December 28, 1921, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes,

Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint; for France, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi. The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck (interpreter) was also present.

4. The chairman, Mr. Hughes, said that the meeting was ready to proceed with the discussion of the resolution, as amended by Lord Lee, as follows:

"No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

Admiral de Bon said he did not see the reason for the limitation of tonnage proposed by the resolution just read. It was apparently aimed at avoiding a confusion between cruisers and capital ships. The difference, however, Admiral de Bon believed, lay mainly in the caliber of the guns. If a vessel was not armed with guns superior to 8 inches, it fell naturally into the cruiser class. Why, therefore, create another distinction in tonnage which might be inconvenient?

Admiral de Bon explained further that it was his understanding that the conference contemplated that cruisers would be used as a means of communication with colonial possessions, and in this respect long distances must be covered. These vessels should, therefore, be able to offer sufficient conditions of well-being for their crews and passengers. In order to offer proper conditions of stability, they might also require a tonnage superior to 10,000 tons. When the difference between cruisers and capital ships had already been fixed by settling a maximum for the caliber of their guns, the admiral said that a priori he could see no sufficient reason for further restrictions. He was, however, merely anxious to elucidate the question, and this was the reason for his remarks.

Lord Lee explained to Admiral de Bon why he had considered it desirable to limit the size of cruisers. He agreed with Admiral de Bon that if the caliber of the guns was limited it was not likely that a cruiser could be designed which in effect would amount

to a capital ship. One main object of this conference, however, was to limit not only armament but the expenditure on armament. The possibility of a cruiser of 20,000 or 30,000 tons, bristling with 8-inch guns, and possible large enough to carry large bodies of troops to the colonies, was one which could hardly contribute toward the object he had just named. Great Britain, for example, was not in a financial position to bear the burden of such an expenditure. Admiral de Bon had said that 10,000 tons was rather small from the point of view of commodiousness and habitability. Speaking as a layman, the larger the ship he had to travel in the better he was pleased. He understood, however, that 10,000 tons was a very ample size for a cruiser, and this figure had been selected because at the present time no light cruisers of even this tonnage were being built in any country, and the British delegation therefore thought it was a good opportunity to put an end there and then to the development of this type of vessel. He was under the impression that the allowance was very liberal, in view of the tonnage being adopted for cruisers now under construction, and he hoped it would not be exceeded.

The chairman, referring to Lord Lee's remarks, said that he was advised that the new cruisers now building for the United States Government were of 7,500 tons burden. He had just been informed, subject to correction, that the French light cruisers were of 8,000 tons. Unless, therefore, an endeavor was being made to expand navies, it would be a wise thing to fix a limit which was only slightly larger than the navies were now providing and thus reach an agreement as to what would be reasonable for these craft.

The chairman asked whether the committee was ready to dispose of the matter or wished to postpone further discussion of it.

Vice Admiral Acton said that the Italian delegation very well understood the spirit which underlay the American proposal and the aim toward which it tended. A tonnage limit for ships other than capital ships must be fixed, and the conditions of armament must be defined. They could then and there accept the caliber of 8 inches. In regard to the tonnage of auxiliary craft the Italian delegation had telegraphed to their government and was awaiting instructions.

Mr. Hanihara said that as far as the Japanese delegation was concerned there was no essential objection to the adoption of the proposed resolution, particularly as to the limitation of the caliber of guns to be carried by light cruisers. He did not wish to delay matters, but Admiral Baron Kato expected to be present at the next meeting of the committee and he would greatly prefer it if formal action could be postponed until then.

The chairman said that with the committee's permission the discussion of the resolution would be postponed until the next

meeting. He understood the present state of mind of the committee to be that there was no objection, so far as the caliber of the guns was concerned, but that certain reservations but no decided objections had been made concerning tonnage. Definitive discussion of that matter would therefore be postponed, and the committee would then necessarily come to the subject of aircraft carriers. Before leaving the question of the submarine, however, he suggested that the committee return to the consideration of the appropriate action to be expressed by the powers concerned as regards the illegal use of submarines. As the committee was aware, it had been suggested that a resolution be proposed dealing with the present rules of law obligatory on submarines and with respect to the improvement and amendment of existing laws. He said he would ask Mr. Root to bring the matter to the attention of the committee.

Mr. Root said that the resolutions he was about to read were based on two lessons taught by the Great War. One fact which seemed very clear was that mere agreements between Governments, rules formulated among diplomats in the course of the scientific development of international law, had a very weak effect upon belligerents when violation would seem to aid in the attainment of the great object of victory. This had been clearly demonstrated in the war of 1914-1918.

Another fact established by the war was that the opinion of the people of civilized nations had tremendous force and exercised a powerful influence on the condition of the belligerents. The history of propaganda during the war had been a history of an almost universal appeal to the public opinion of mankind and the result of the war had come largely as a response.

The public opinion of mankind was not the opinion of scientific and well-informed men, but of ill-informed men who formed opinions on simple and direct issues. If the public could be confused, public opinion was ineffective; but if the public was clear on the fundamentals of a question, then the opinion of mankind was something which no nation could afford to ignore or defy.

The purpose of the resolutions he was about to read was to put into such simple form the subject which had so stirred the feelings of a great part of the civilized world that the man in the street and the man on the farm could understand it.

The first resolution, Mr. Root said, aimed at stating the existing rules, which, of course, were known to the committee but which the mass of people did not know, in such a form that they would be understood by everyone.

Mr. Root then read the following:

"I. The signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives

of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

"1. A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured.

"A merchant vessel must not be attacked unless it refuse to stop for visit and search after warning.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from capture and to permit the merchant vessel to proceed unmolested.

"The signatory powers invite the adherence of all other civilized powers to the foregoing statement of established law to the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

This, Mr. Root said, was a distinct pronouncement on the German contention during the war in regard to the conflict between the convenience of destruction and the action of a belligerent under the rules of international law.

Mr. Root then read the following additional resolutions:

"II. The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they declare their assent to such prohibition and invite all other nations to adhere thereto.

"III. The signatory powers, desiring to insure the enforcement of the humane rules declared by them with respect to the prohibition of the use of submarines in warfare, further declare that any person in the service of any of the powers adopting these rules who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any such powers within the jurisdiction of which he may be found."

Mr. Root said that, made between diplomats or foreign offices or Governments, these resolutions would be ineffective; but if they were adopted by the conference and met with the approval

(as would surely be the case) of the great mass of the people, the power of the public opinion of the world would enforce them.

It was hardly necessary for him to add that he did not ask that these resolutions should be acted on or discussed until copies of them had been distributed and until the delegates had had an opportunity to examine them.

The Chairman said that Mr. Root's resolutions would be put in form for distribution at once. Any action upon them could be deferred until they had been considered by the delegations. They seemed, however, simple and direct arguments in support of a thesis which had been ably stated. He thought, therefore, it might be the desire of the committee to discuss their general purpose on the spot, leaving their precise language to a later time.

Mr. Balfour said he was sure the chairman was well advised in suggesting that Mr. Root's proposals should be circulated in order that each delegation might examine not only the spirit which animated them but the words in which that spirit had been expressed. So far as he himself was concerned, however, having listened to Mr. Root's admirable exposition, he wished to express not only on his own behalf but he thought also on behalf of his colleagues, his warm sympathy both with the substance of the resolutions and their form.

Senator Schanzer said that, in the name of the Italian delegation, he could not but express the keenest sympathy for Mr. Root's proposal. Italy, being the birthplace of law, could but regard with the greatest pleasure everything which could contribute to the improvement of international law. The Italian delegates were not in a position at that time to consider the details of the proposed resolution, but when they were distributed they would be glad to do so with the greatest interest, in the hope that this conference would result in the establishment of provisions dealing with the use of submarines which would safeguard the requirements of right and of civilization.

Mr. Sarraut said that he rose less to comment upon the resolutions which had been read than to render homage to the high and noble spirit of which they were the expression. He especially desired to profit by the opportunity which was offered him to express the feelings of deep sympathy and admiration for Mr. Root which animated the French delegation. The French delegates had not been surprised at hearing the feeling terms in which Mr. Root had denounced the piratical acts committed during the war and against which France had been the first to protest.

In view of these observations, it seemed wise to the French delegates to wait until the document in question had been dis-

tributed and until they had been able to examine it with all the attention it deserved.

Mr. Hanihara said that he would be glad to have an opportunity to examine the text of Mr. Root's resolution. It was hardly necessary for him to add anything in regard to the feelings of sympathy and hearty accord with which the Japanese delegation views the aim and spirit of Mr. Root's resolutions.

The chairman said that it seemed to be the desire of the committee, beyond the cordial approval which had been expressed, to have an opportunity to examine and bring forward at a convenient time the proposal which was to be acted upon. The next point to be considered was the subject of aircraft carriers. In the American proposal, made at the opening session, it had been agreed that the total tonnage of aircraft carriers should be fixed as follows:

	Tons.
United States.....	80, 000
Great Britain.....	80, 000
Japan.....	48, 000

If the same ratio for capital ships should be applied to aircraft carriers for France and Italy, the result would be as follows:

	Tons.
France.....	28, 000
Italy.....	28, 000

The American proposition had added a proviso that no country exceeding the quota allowed should be required to scrap such excess tonnage until replacement began, at which time the total tonnage of airplane carriers for each nation should be reduced to the prescribed allowance. Certain other rules had been proposed.

The chairman added that in view of the fact that aircraft carriers might approach capital ships in tonnage, it would be wise also to set a limit in this respect. It was now proposed not to lay down any ships of this character whose displacement should exceed 27,000 tons. This was the proposition which he now presented for discussion. He said that he thought he should add that what had appeared in the resolution regarding aircraft carriers should be deemed to be the same as that included in the resolutions respecting all ships of war except capital ships, i. e., that their guns should not have a caliber exceeding eight inches. If added to the resolution regarding aircraft carriers the latter would read:

"No airplane carrier shall be laid down during the term of this agreement whose tonnage displacement is in excess of 27,000 tons, and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of eight inches."

Lord Lee said he had not anticipated such rapid progress that afternoon and had not expected to reach the subject of airplane carriers. This matter involved very technical considerations, and, if it was convenient to his colleagues, he would prefer to have an opportunity to discuss it with his technical experts before expressing an opinion. In saying this he did not wish to suggest that the British Empire delegation were not in complete sympathy with the principle of the limitation both of numbers and tonnage of airplane carriers. In view of the technical considerations involved, however, he would be glad of a short postponement until to-morrow before expressing a definite opinion on the resolution proposed by the chairman.

The chairman asked whether any other delegates desired to express their views in regard to the proposal, or whether it would be agreeable to adjourn until the following morning and continue the discussion then.

Lord Lee said that he had another question of the same character which he would like to raise, namely, the subject of limitation in the maximum caliber of the gun to be employed on board warships in the future. Perhaps it would be more convenient to the committee if he were to put forward a definite proposal on the subject, but he could say at once that his proposal would take the form of a limitation to the largest caliber of gun now mounted on board any ship of war, namely, 16 inches.

Lord Lee's proposal read as follows: "That no warship shall carry a gun of greater caliber than 16 inches."

The chairman said that the United States Government was ready to accept the proposal, and asked whether the other delegates were ready to express themselves thereon.

Mr. Hanihara accepted the proposal.

Admiral Acton accepted the proposal.

Admiral de Bon made no objection.

The chairman stated that it would therefore be considered as unanimously approved that no warship should carry a gun of a larger caliber than 16 inches.

The chairman stated that he understood that so far as capital ships were concerned the committee was in complete accord except as to the replacement program, upon which subject a chart was being prepared. It would be unwise to discuss in committee such a technical and detailed matter and it was therefore understood that the naval experts would prepare a replacement chart with the understanding that in case any questions of principle or policy arose on which they might not agree, the matter should be referred to the full committee. When that had been done the question of capital ships might be considered as disposed of, and

the other questions which had been raised could be discussed on the following day.

The meeting then adjourned until December 29, 1921, at 11 a. m.

ELEVENTH MEETING, THURSDAY, DECEMBER 29, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley, and Mr. Malkin.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul. Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The eleventh meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday morning, December 29, 1921, at 11 o'clock.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for France, Mr. Sarraut and Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, and Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, and Capt. Uyeda.

Secretaries and advisors present included: For the United States, Mr. Wright and Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley, and Mr. Malkin; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, and Commander Prince Ruspoli; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

3. The chairman, Mr. Hughes, opened the meeting by saying that if there were no objections the committee would take up the resolution proposed and read the previous day by Mr. Root relative to the action of submarines in warfare. It seemed best to take the articles up separately. The first article related to rules deemed an established part of international law. It summarized in a clear, concise manner the existing rules governing the action of belligerent ships of war in relation to merchant craft and stated the unequivocal position that belligerent submarines were not exempt from these rules.

He then invited discussion.

Mr. Balfour said that as he understood the question which Mr. Hughes had put it referred to the first of Mr. Root's propositions, which, as Mr. Hughes had said, purported to be a statement in clear and explicit language of the existing rules of war and their application to submarines. So far as he personally was concerned, he agreed that such a statement should be made. He was not lawyer enough to say whether the existing rules were correctly summarized, and on this he would have to consult his own legal advisers. Provided, however, that the resolution did really embody the existing rules of war, he thought it most desirable that these rules should be reaffirmed in their relation to submarine warfare. Perhaps on this matter he ought only to speak for himself. He personally held the view that a formal and authoritative statement that submarines had no license to break the rules by which other ships of war were bound could do nothing but good.

Admiral de Bon said that he shared wholly the views expressed by Mr. Balfour. The French delegation had repeatedly had occasion to condemn the practices followed by the German submarines during the last war.

The French delegation was thoroughly imbued with the high humanitarian motives which had dictated the resolutions presented by Mr. Root to which it gave in principle its general adhesion. But there was no jurist in the French delegation and they recognized that certain of these resolutions had a bearing on the complicated rules of international law.

Admiral de Bon said that he could then hardly do otherwise than to subscribe to the spirit of these resolutions and to repeat that the submarine should of necessity be bound by the rules of international law. But this law being of a very special nature it seemed to the French delegation that the most practical solution would be to refer the consideration of the text sub-

mitted by Mr. Root to a committee of jurists which would advise the committee as to its opinion in regard to the wording to be adopted.

Senator Schanzer said that he associated himself entirely with Mr. Balfour's and Admiral de Bon's remarks. The Italian delegation at the preceding meeting gave its full adherence to the aim to which Mr. Root's proposal tended, but they also thought that the question of formulating rules for the use of submarines in war was, above all, a legal question, which ought to be examined by a competent committee of jurists.

He had forwarded the text of Mr. Root's proposal to the Italian Government from which he was awaiting comments at a later date.

At any rate, it might be useful even now to point out a few questions to which the proposal might give rise in order to contribute to the future discussion.

It seemed to him difficult, in the first place, to separate the first resolution from the second, which definitely prohibited the use of submarines for the destruction of merchant craft. The first resolution, on the contrary, admitted in determined cases the destruction of merchant craft after certain provisions had been observed. He would like therefore to know in what way the second resolution tallied with the first.

In the second place, Senator Schanzer believed that it might be useful to give a clear definition of merchant craft in order to make them recognizable and to establish plainly in which cases a submarine should abstain from attacking a ship and in which cases, on the contrary, attack was to be permitted, as, for example, in the case of a merchantman regularly armed or of a privateer.

Senator Schanzer observed that he had not made these remarks in any spirit of opposition, as the Italian delegation had decided to collaborate to the best of its ability in order to attain the aim which the American delegation had in view. His reason for speaking was to give Mr. Root the opportunity for such explanations as might throw light on the terms in which his proposals were formulated.

Sir Robert Borden said that, in offering a few observations in regard to the proposals presented, he was without the advantage of having heard Mr. Root's explanation on the previous day, having been in attendance at a subcommittee. Further, his views were purely personal and must not be regarded as binding on any other member of the delegation to which he belonged. As he understood the proposals, Mr. Root had set forth existing rules which had been, or should have been, the general practice in the past to govern the action of nations in time of war. In setting forth article 1 Mr. Root had placed the rules of submarines on a

much higher plane than had been the case with the nations with whom the Allies had been at war for a period of four years. Those nations had wantonly violated these rules. He had no doubt that the statement of the rules in article 1 was correct and that these rules should have been followed by belligerent vessels. Mr. Root's proposal, however, went much further.

In article 2 the signatory powers were asked to pledge themselves to recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of lives of neutrals and noncombatants, and to the end that the prohibition of such use should be universally accepted as a part of the law of nations the nations here represented were asked to declare their assent to such prohibition and to invite all other nations to adhere thereto. As he understood this resolution, it was intended to mark a notable and most desirable advance on the existing rules. Mr. Root had first stated the existing practice and had then suggested this advance. He thought it would be wise and, indeed, essential in the interests of humanity that this proposal should be accepted. The exact wording, however, must be considered and he did not disagree with the suggestion for examination by an expert body provided that this should not prevent action by this conference. In article 3 Mr. Root had gone rather further. He had laid down the principle that any person in the service of any of the powers adopting these rules who should violate any of the rules thus adopted, whether or not such person was under orders of a governmental superior, should be deemed to have violated the laws of war and should be liable to trial and punishment as if for an act of piracy, etc. Having regard to some experiences of his own country in the late war, and especially to one occasion when nearly 20 Canadian nurses had been drowned as the result of the torpedoing of a hospital ship and the subsequent sinking of the ship's boats, he could say that the feeling of his country was strongly in favor of the proposal that any person guilty of such conduct, whether under the orders of his Government or not, should be treated as a pirate and brought to trial and punishment as such.

Mr. Hanihara said that the Japanese delegation was in entire accord with the substance of article 1 of the proposed resolution. As regards the suggestion whether it was not advisable to refer the matter to a committee of experts for drafting, he was rather inclined to follow it, not that the Japanese delegation had any particular point in mind on which it had observations to offer but merely in order to make it sure that the resolutions left nothing to be desired as to their precise wording. The committee might be instructed to examine it in this sense and not to touch the substance of it.

Mr. Root said that Senator Schanzer had asked some questions to which he would reply.

First, as to the agreement Article I of the resolutions now before the committee, with the second article relative to the prohibition of making use of submarines as commerce destroyers, which Senator Schanzer deemed inconsistent with Article I.

Article I was a statement of existing law; Article II, if adopted, would constitute a change from the existing law, and therefore it was impossible to say that it was not inconsistent. If it were not inconsistent, there would be no change. Article II could not be consistent with Article I and still make a change.

Senator Schanzer had also suggested that the resolution I be completed by including a definition of "a merchant ship." Throughout all the long history of international law no term had been better understood than the term "a merchant ship."

It could not be made clearer by the addition of definitions which would only serve to weaken and confuse it. The merchant ship, its treatment, its rights, its protection, and its immunities, were at the base of the law of nations. Nothing was more clearly or better understood than the subject called merchant ship.

With regard to the proposal to refer this matter to a committee of lawyers, Mr. Root stated that it would be far from his thought to say anything derogatory of the members of the profession of which he had been a humble member for more years than he cared to remember. They were the salt of the earth; they were the noblest work of God; they were superior in intellect and authority to all other people whatsoever. But both this conference and his own life were approaching their termination. He did not wish these resolutions to be in the hands of a commission even of lawyers after the committee adjourned.

He had supposed when the committee adjourned the previous day and after what had been said concerning the opportunity for critical examination, that the different delegations would call in their own experts and ask their advice with regard to this resolution, which was at this time the only one before the committee. He had supposed that the experts in international law brought here for the purpose of advising would have been asked whether this was a correct statement of the rules, and that the results of that inquiry would be before the committee to-day.

Mr. Root said that he felt he was entitled to know whether any delegation questioned this statement of existing international law. All the members of the committee were in favor of the principle of the resolution if it were correct. Did this or did it not state the law of nations as it exists? If it did, all the delegates were in favor of it. What then hindered its adoption, asked Mr. Root.

In describing the action of submarines with regard to merchant vessels Senator Schanzer had repeated on his own behalf the very words of this resolution. The very words—*ipsissimis verbis*—of this resolution might be found in Senator Schanzer's remarks. Mr. Root said that his respect for the learning, experience, and ability of the various delegates around this table forbade him to doubt that everyone present was perfectly familiar with the rules and usages as stated in the first clause of Article I. This article did not purport to be a codification of the laws of nations as regards merchant vessels or to contain all of the rules. It said that the following were to be deemed among the existing rules of international law. The time had come to reaffirm them. He read Clause I of Article I, as follows:

"A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured."

Did not all of the members of the committee know that to be true? It was a long-established principle.

Mr. Root then read the second and third clauses:

"A merchant vessel must not be attacked unless it refuse to stop for visit and search after warning.

"A merchant vessel must not be destroyed unless the crew and passengers have first been placed in safety," and asked if there were any question whatever as to the correctness of these statements.

Turning to Mr. Malkin, one of the British legal advisers, Mr. Root asked if there were any doubt about that.

Mr. Malkin replied that in principle there was no doubt at all.

Mr. Root, continuing, said that, as Mr. Lodge had remarked to him, this was only elementary. The object of the resolution was to form something which would crystallize the public opinion of the world. He had made it perfectly simple on purpose.

The next article stated a principle of vital importance, on which he challenged denial. If all the lawyers in the world should get together they could not state the question more conclusively. The public opinion of the world said that the submarine was not under any circumstances exempt from the rules above stated; and if so, a submarine could not capture merchant vessels. This was of the greatest importance. This was a negation of the assertion of Germany in the war that if a submarine could not capture a merchant vessel in accordance with established rules, the rules must fail and the submarine was entitled to make the capture. The public opinion of the civilized world had denied this and had rendered its judgment in the action that won the war.

It was the revolt of humanity against the position of Germany that led to Germany's defeat. Was that not a true rendering of the opinion of the civilized world which the committee sought to

express? Mr. Root addressed his friends and colleagues of the committee, saying this was real life they were dealing with here. This was no perfunctory business for a committee of lawyers. It was a statement of action and of undisputed principles universally known and not open to discussion, put in such a form that it might crystallize the public opinion of the world, that there might be no doubt in any future war whether the kind of action that sent down the *Lusitania* was legitimate war or piracy.

This conference was called for what, asked Mr. Root—for the limitation of armament. But limitation was not the end, only the means. It was the belief of the world that this conference had been convened to promote the peace of the world—to relieve mankind of the horrors, and the losses, and the intolerable burdens of war.

Mr. Root declared that the members of the committee could not justify themselves in separating without some declaration that would give voice to the humane opinion of the world upon this subject, which was the most vital, the most heartfelt, the most stirring to the conscience and to the feeling of the people of all our countries of anything that occurred during the late war. He felt to the depth of his heart that the man who was responsible for sinking the *Lusitania* committed an act of piracy. He knew that all his countrymen with whom he had had intercourse felt the same, and he would be ashamed to go on with this conference without some declaration, some pronouncement, which would give voice to the feeling and furnish an opportunity for the crystallization of the opinion of mankind in the establishment of a rule which would make it plain to all the world that no man could commit such an act again without being stigmatized as a pirate.

Mr. Root said there were two ways in which this question that Germany raised about the right of submarines to disobey the rules of international law—what they had said in the way of destroying a merchant vessel—could be settled. With the whole dominion of the air unregulated by international law, with a score of difficult questions staring the conference in the face (such as blockade, contraband, and other questions in the field of law), there was a recommendation made by the committee of jurists which assembled at The Hague last year, 1920, upon the invitation of the Council of the League of Nations, to devise and report a plan for an international court of justice. The committee had met at The Hague and after some months of labor they had recommended a plan which, with some modifications, was adopted by the council and by the assembly of the League of Nations, under which judges of the new court had been appointed and under which that court was about to convene next month, January, 1922. The committee

of jurists selected by the Council of the League of Nations for its advisors went beyond the strict limit of its authority, and so much impressed were they all with the necessity for a restatement of the rules of the law of nations as a result of the war (what happened during the war, and the consequences of the war) that they made a recommendation upon it. There were present a representative of Great Britain, a most able and learned judge of the highest court, and representatives for France (a very distinguished representative), of Belgium, of Japan, of Holland, of Norway, of Spain, of Brazil, and one from the United States of America. They were all there in their individual capacities, but coming from nine different countries and selected by the Council of the League of Nations, and invited there to be their advisors. All of these gentlemen had unanimously agreed upon the following resolution, which Mr. Root proceeded to read:

"The advisory committee of jurists, assembled at The Hague to draft a plan for a permanent court of international justice, convinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice, recommends:

"I. That a new conference of the nations in continuation of the first two conferences at The Hague, be held as soon as practicable for the following purposes:

"(1) To restate the established rules of international law, especially, and in the first instance, in the fields affected by the events of the recent war.

"(2) To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war, and the changes in the conditions of international life and intercourse which have followed the war.

"(3) To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

"(4) To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

"II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare with such conference or collaboration *inter esse* as they may deem useful, projects for the work of the Conference to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

"III. That the conference be named 'Conference for the advancement of international law.'

"IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished."

That recommendation, Mr. Root continued, was communicated to the Council of the League of Nations, was somewhat modified by the council and then referred to the assembly of the League of Nations, and by the assembly was rejected. The door was closed. Where did we stand? Was this not to be a world regulated by law? What were disarmaments worth if assent were given to the proposition that the impulse of the moment, the unregulated and unconstrained instincts of brute force, were to rule the world and that there was to be no law? If there was to be a law, somebody must move. There was no adequate existing law now with regard to submarines. There was no existing law regarding aircraft. There was no existing law now regarding poisonous gases, and somebody must move. The door to a conference was closed, and here delegates of the five greatest powers were met in a solemn conference upon the limitation of armaments and charged to do something toward the peace of the world. This resolution, Mr. Root said, proposed to restate the rules of war that had been trampled under foot, flouted, and disregarded. This resolution proposed that the domination of those humane rules for the protection of human life be once more asserted, and that the attempt to overturn them be discredited and condemned.

This resolution proposed to tell what the conference really believed—that it characterized, as it ought to be characterized, the attempt to overturn the rules impressed by humanity upon the conduct of its Governments. Was there a delegation here which could afford to go back to its own people and say to them, "Upon the proposal being presented to us, we referred it to a committee of lawyers and adjourned"? Those resolutions would not down. They spoke with a voice that would continue insistently. Mr. Root said that he was not going to be buried under a committee of lawyers and that these rules could not be buried under one. Either the delegates assembled here must speak clearly and intelligently the voice of humanity which had sent them here, and to which they must report, or that voice would speak for itself and, speaking without them, would be their condemnation.

In conclusion, Mr. Root declared he was opposed to the reference of this resolution to a committee of lawyers or to any other committee. He asked for a vote upon it here. If the delegation of any country represented here had any error to point out in it, he was ready to correct it, but he asked for a vote upon it, in fur-

therance of the principle to which every one of his colleagues around the table had given his adherence.

After the foregoing had been interpreted, Mr. Root said that he had omitted in answering Senator Schanzer's very discriminating question regarding the relations between Articles I and II to say that, of course, if the second Article were adopted by all the world, it would supersede Article I. This, however, would be a long, slow process, and during the interval the law as it stood must apply until an agreement was reached. Article I also explained in authorized form the existing law and could be brought forward when the public asked what changes were proposed. In proposing a change, he said, it was necessary to make clear what the existing law was. It was very important to link this authoritative statement in Article I with the new principle proposed in Article II.

Sir John Salmond said that while not doubting the substantial accuracy of the resolutions proposed by Mr. Root, and while he was of the opinion with him that it was unnecessary to appoint a committee of jurists to determine the law as regarded merchant ships in war or the capture of private property at sea, at the same time the resolutions as they stood were not free from ambiguities and formal defects. Although reference to such a legal committee was unnecessary, he thought opportunity should be given for verbal amendments. For example: Paragraph 3 of rule 1 stated that a merchant vessel must not be destroyed unless the crew and passengers had been first placed in safety. Was this intended to give absolute immunity to the merchant ship from attack unless the crew and passengers were first placed in safety, even although the ship had refused to stop on being warned? Read literally, this would be the effect of the rule. Secondly, the relation between Resolutions I and II did not appear in the text, and a verbal explanation by Mr. Root was necessary to explain it. While, therefore, he was in absolute agreement with the substance of Mr. Root's resolutions and supported his refusal to put off the matter by reference to a committee of lawyers, he thought there was no haste which could justify the committee not being given opportunity for the examination and formal amendment of these resolutions.

Senator Lodge said that he would not ask to take up the time of the conference if he could attend the meeting that afternoon. He hoped a reasonably speedy decision might be reached in this matter, and he did not like to have this decision reached without having expressed his feeling in regard to it. He had a great respect for experts, but some of the delegates present had given attention to international law for some time, and several of them were capable of putting these resolutions in proper form. He believed the first thing to aim at was simplicity of statement.

The rules laid down by Mr. Root, especially in Article I, were elementary. Anyone who had read a textbook of international law knew them. He would not attempt to add to the powerful argument presented by Mr. Root, who, though he said it in his presence, was one of the greatest international lawyers now living. As far as his arguments went, Mr. Lodge would follow a historic British example and say, "Ditto to Mr. Burke."

Continuing, Mr. Lodge said that what he would like to see done by the conference was to decide on a policy—for this was a question of policy. The committee could easily take care of the amendments suggested by Mr. Salmond. The delegates were here to settle a policy and must do so. This policy had been presented and would not down. The world to-day wanted an unequivocal declaration against the sinking of the *Lusitania*. He took the *Lusitania* as an example, summing up the horrors of the submarine as it was used in the war with Germany. He knew the opinion of his country. The feeling aroused here as well as in Great Britain had been intense. He wanted a declaration showing the representative opinion in this matter and preventing, so far as possible, the use of submarines for the destruction of commerce and against innocent noncombatants, women, and children. The conference could at least erect a standard. After the Constitution of the United States was adopted by the constitutional convention in 1787, George Washington wrote to a friend: "We have erected a standard to which the wise and good can repair. The rest is in the hands of God." Mr. Lodge said he thought a standard could be erected here to which the civilized world can repair in the matter of submarines. He believed the world will rally to it. What would be the alternative if the conference failed to reach this decision? The door of uncertainty would be left open—open to the type of man commanding the submarine which sank the *Lusitania*—open to people who wished to wage war in that way; opportunity would be given them to trample under foot the laws of nations relating to merchant vessels, and the committee would leave matters in that most dangerous of conditions without any settled law upon the subject. But if after formulating it at this table the committee were to declare in a most clear and solemn manner that submarines must not sink merchant vessels with crews and passengers on board, he hoped and prayed the resolution might be adopted and sent out to the world. The people of the United States desired this declaration to be made, and that the world might hear the voice of this conference speaking clearly against the continuance of the use of submarines for the destruction of merchant vessels and innocent lives—those of women, children, and noncombatants.

Senator Underwood said he wished to take a few minutes to express his hearty concurrence in the statement of his colleague,

Mr. Root, in regard to this matter. He hoped this resolution, controlling the unlawful use of submarines, with such amendments as might be necessary, might be passed before this conference adjourned. He believed the dividing of the ways as to what the conference stood for had now been reached at this table. Were they to proclaim that they were still tied to the dead body of the war that was past, or that the civilized nations of the world desired to attain and accomplish new ideals of peace; that they intended to put war behind and peace ahead. If the delegates were only met here for a temporary armistice, if they were only temporarily tired of war, with their treasuries exhausted—if they agreed to fly the white flag for a few years until they grew strong for war again, they had better adjourn now, and let the horrors of the next war teach statesmen the lesson which was necessary, in order that civilization might progress again toward the ideal of permanent peace. If they were only met here to save dollars or francs or shillings for a few years, they had better adjourn.

Senator Underwood said his countrymen had never particularly prided themselves on military expenditures. They had gone for many years at a time without much armament, because they did not fear their neighbors, and because they could say in their hearts that they wanted to be at peace with the world. If the conference was met only to save dollars or other coins, the great heart of the people of the world would be grievously disappointed. Unless the flag of civilization could be planted on a higher point—unless this conference were to move forward, then a failure would have been made. As for himself he would like to see in the future the great Empire of Japan leading the Far East as a nation of commerce and high ideals rather than as a nation of great armaments; he would like to see a great Italy assured of the safety of the seas that carry the fuel necessary to her national life; he would like to see France secure in her territorial integrity; he would like to see the day come when she might feel that her safety was assured for all time and that she had no longer a need for a great army. He would like to see the day come when Great Britain need no longer fear any danger of attack on the food supply of her people; when commercial ships might always safely enter her ports and bring the supplies necessary to her national life. These were the ideals toward which the conference should move rather than toward the ideals of the horror and extended power of war. If the committee rejected this resolution, they would be saying to the peoples of the world that they were declaring only a temporary armistice and that they were going back to war. But if they were willing to take this one step—no matter how small—to make the seas safe for the peaceful ships of commerce, to that extent they would have removed one of the great causes of war—and the world would never be free from war un-

til the causes of war were removed. He therefore heartily supported the proposal of his colleague. He felt it represented great principles underlying the desire of the people of the world for peace, that lasting peace that should banish war from the world.

Senator Schanzer said that he would like to remark that a misunderstanding had arisen in this discussion which it was necessary to eliminate. From some of the speeches that had been made here to-day by eminent orators it might seem as though there were opposition to the fundamental principles upon which Mr. Root's proposals are based. Now, each one of those present had responsibilities toward the public opinion of the entire world, and they could not even for one instant allow that it should be thought that they were opposed to any measure tending to render war less inhumane. It was the Italian delegation which proposed the abolition of poisonous gases, and it was only yesterday that it had declared its most implicit and unconditional sympathy for Mr. Root's proposals. Could there be anyone who might suppose even for one instant that it did not share the sentiments of horror for the methods of war which brought about the criminal sinking of the *Lusitania*?

It was surely not the Italian delegation that could be reproached for any hesitation in supporting anything which could make the world progress toward a higher civilization. No country was more interested than Italy in putting an end to the abuses of submarine warfare. It was, therefore, not the principle itself which he had contested. He had only wished to submit a few remarks on the wording of the text which had been put before the committee. That his observations had not been useless was shown by the explanations which Mr. Root had been kind enough to give him and for which he thanked him. He had asked to know in what way Resolution II was to be understood, in respect to Resolution I. In fact, the systems contemplated in the first and second resolutions could exist at the same^o time.

Resolution I declared an existing law regarding submarine warfare, which admitted, in certain cases and subject to certain observances, even the destruction of merchant ships. Resolution II condemned in the most absolute way the use of submarines for the destruction of merchant ships. Mr. Root had now explained that Resolution II represented a new and subsequent phase to which things must tend. He felt this ought to be more clearly expressed in the wording of the resolution. The Italian delegation did not insist on the proposal of submitting the whole discussion of the question to the study of a committee of jurists. If it were deemed preferable to continue to discuss it in this same committee, it saw no obstacle to agreeing. As he had already observed, what we would ask was that, pending the arrival of its Government's instructions, the committee examine the various

sides of this proposal with the attention which the subject required, and only because the Italian delegation had the keen desires that the new regulations of international law which would come forth from this conference should be fully satisfactory to all those who believed that the world could and must make further progress on the path of civilization.

The chairman remarked that it being now 1.20 p. m. he would suggest that the committee adjourn for luncheon and reconvene at 3 p. m. In saying this, however, he did not wish to foreclose the opportunity for further debate now if anyone desired to say anything further.

Mr. Sarraut called attention to the fact that the personnel both of the French delegation and of the staff of experts accompanying it had been greatly reduced and that with such a short time between meetings little opportunity was afforded for sending and receiving cables and attending to other such matters. He therefore requested that the afternoon session should begin at 3.30 instead of 3 o'clock.

The chairman announced that the meeting would adjourn until 3.30 o'clock.

TWELFTH MEETING—THURSDAY, DECEMBER 29, 1921, 3.30 P. M.

PRESENT.

United States.—Mr. Hughes, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint, Mr. Malkin.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

Japan.—Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The twelfth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building, at 3.30 p. m., December 29, 1921.

2. There were present: For the United States, Mr. Hughes, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and advisers present included: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint, Mr. Malin; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne, and Mr. Camerlynck, interpreter, were also present.

The Chairman, Mr. Hughes, said that the committee had before it the first resolution in regard to submarines.

Mr. Root said that he wished to say a few words following Sir John Salmond's remarks of that morning. He was in full agreement with Sir John Salmond's suggestion, and he had no idea of asking the adoption of the resolution without the critical examination which carried with it the result of such examination. Mr. Root believed that the resolutions should go through the process sometimes described by parliamentarians as "perfection by amendment." Sir John Salmond had made a valuable suggestion which, embodied in a few words, could but result in the improvement and clarification of the resolution. This ought to be done and he hoped it would be done; whether it was done here by the members of the committee, speaking upon the advice and experience of their experts, or by a drafting committee of experts was of little consequence. The great question was whether the committee would agree to make such a declaration as this. In any case the process of destructive and constructive criticism should be gone through.

Mr. Balfour said that, as he understood Mr. Root's proposal, it was, in British Parliamentary language, to proceed to the second reading of the resolutions and then to send them to committee. This phraselogy he understood was not used in this country and he did not know how far it was employed in the Parliaments of the other States represented on this committee. Nevertheless, it clearly expressed what Mr. Root proposed, i. e., to put on record the agreement to the principle of the resolutions and then to pro-

ceed to discuss them in detail. It was an admirable method and was, he believed, the only way to escape from mixing up principles with details. So far as the second reading aspect was concerned, he believed that the underlying principle had already been informally approved. Only the formal vote remained to be registered. His own view, after listening to the powerful, persuasive, and impassioned speech of Mr. Root, was that the important words of the resolutions were the following, at the bottom of the first page:

"To the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

That was the central core of the doctrine which Mr. Root had formulated. He valued these words partly because they removed a misconception and partly because they included a positive constructive proposal. The misconception was that the committee was occupied in an attempt to formulate the full code of maritime law. If this were the case, not only would it be necessary to weigh and scrutinize every word and every clause, but also to insure that nothing was omitted which ought to be included. That, no doubt, would be a very useful task, but was not what the committee had been invited by Mr. Root to do. The positive and constructive side of Mr. Root's proposal was to secure a clear understanding of the standards of conduct which the public opinion of the world would apply to future belligerents. That was the object of the document; that was what it set out to accomplish. He thought that this end could best be achieved by transferring the words he had quoted from paragraph two of section one to the preamble, which would then read as follows:

"The signatory powers desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war invite the adherence of all other civilized powers to the following statement of established law to the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

This was a mere matter of arrangement, but he thought it would help the world to see the great object which Mr. Root's draft was intended to accomplish. He therefore welcomed the procedure now proposed. The principles underlying this document had the warm approval of the British Empire delegation. The members of that delegation would have preferred that the document itself should have been rendered unnecessary by the abolition of submarines. Since they had not been able to carry

out this policy, however, Mr. Root's resolution provided them with an alternative. If they could not hold their first line of defense, they had at least a second line to fall back on, for in Mr. Root's document the abuse of submarines had been unsparingly dealt with. Everyone must recognize that when a weapon had been misused in the past, could be misused in the future and would be much more effective if so misused, no professions of morality or declarations of law could be relied upon to supply a sure protection against this abuse. While all must regretfully admit this, he would like to associate himself with what Mr. Root had said yesterday about the immense advantage of embodying the plain dictates of humanity in explicit terms. It was not sufficient for them to be buried in works on international law or lost in departmental correspondence, they must be proclaimed in the most public manner. He agreed with Mr. Root that, if so stated, they could not and would not be without effect on the conduct of mankind. To suppose that submarines would never again be abused, in spite of all the professions of the committee, would no doubt be sanguine. But he believed that the adoption of these resolutions would be a great step toward the education of the world, and might do much to mitigate the horrors of war and its needless cruelties. Holding these views, he could only congratulate Mr. Root and promise his best support in the objects which he sought to attain.

Mr. Sarraut said that on two occasions already the French delegation had joined with all its heart in the high spirit of humanity which had inspired Mr. Root's resolution. It congratulated itself also on having heard the discussion which had taken place that morning and which had permitted everyone to grasp his (Mr. Root's) thought more fully, especially after the admirable comments which he had been good enough to make in his splendid speech. If there were still people who doubted the necessity to condemn the unmentionable abuses committed against humanity during the last war (and no one there present doubted it) their uncertainty would have been eliminated by the convincing eloquence of their eminent colleague.

Once more, Mr. Sarraut continued, he brought the full and complete adherence of the French delegation to the sentiment expressed in the first motion of Mr. Root, the principles of which the French delegation accepted formally.

The French delegation did not want to stop with this adherence to principle, but wanted to see the resolution go into force by virtue of a definite text which would combine all the assents of the Powers represented in the committee. Certain modifications had been proposed. He was perfectly convinced that Mr. Root, whose modesty equaled his great ability, would make no objection to the suggested amendments to his text. As a matter of

procedure and in order to reach prompt results, it would be wise if each of those who had made observations regarding the text of Mr. Root's resolution, or had suggested modifications of details, would take the trouble to prepare and communicate the drafts which they proposed. These drafts could just as well be discussed and the committee would arrive in the end at a general text which would combine, he hoped, the unanimity of their acceptances, and would then be clothed with an authority such that, if ever—and all his hope repelled this idea—war should again occur, the peoples would be bound by an agreement the moral force of which would be borne in upon their consciences.

Mr. Balfour appeared to apprehend that certain countries might, in spite of everything, yield to the temptation to misuse the weapons remaining in their hands. For his part he believed that these peoples would reflect deeply before violating such obligations. If the committee had any doubt of this, if it could suppose that decisions such as those which were to be taken there would not be carried out, debate would not be worth while, and the only thing left for the committee would be to leave the table. But Mr. Balfour himself had not entertained this pessimistic conclusion, since he had stated that a resolution invested with the moral force of this decision would impress itself on the attention of the world. One must not deduce from the abuses committed by Germany the idea that inevitably others would commit the same abuses.

It was just because the consciences of all present had revolted against these abuses; it was because their consciences refused to accept the idea; it was because they were incapable of acting likewise that their alliance became spontaneously so strong against all those who had committed them.

He firmly believed in the influence that these joint decisions might exercise over the world. The time must come, as he had already stated, when they must call upon the other nations to ratify their conclusions by approbation, thus giving them a universal and definite value. But it was precisely for that reason and with that object that the text which would be the outcome of their deliberations, strengthened by their unanimous approval, should after mature consideration take on an emphatic and authoritative form which would impose itself upon the consent of the whole civilized world.

The chairman then asked whether it was desired to continue the discussion of the first resolution. The suggestion had been made that this resolution be adopted in principle, with reference to a subcommittee for the purpose of considering verbal suggestions which should be in conformity with its obvious purpose.

Before that was done, however, there should be an opportunity for any destructive or constructive comments in the committee that might be of use to the subcommittee.

Mr. Sarraut said that if he understood the proceedings suggested it had now come to what in French parliamentary language was called "taking the matter under advisement"; that is to say, keeping the resolution before the committee but referring it for further consideration to a subcommittee.

The chairman said that that was his understanding of the proposal.

Senator Schanzer, on behalf of the Italian delegation, said that he could only reemphasize the most sincere and most cordial sympathy with the idea and spirit of the resolution. The authority of Mr. Root was so great that the Italian delegation could adhere to the first point to which Mr. Balfour had referred, namely, the statement of the existing international law. The second point put the Italian delegation in a somewhat embarrassing position, as it had not received any instructions from its Government. He, therefore, could not give unreserved adherence to this part of the resolutions. They did not wish to delay the work of the committee, but felt they must make this reservation.

The chairman then said that the question before the committee was confined to the first resolution, declaratory of the principles of international law as it now exists.

He asked to be permitted to add a single word. Upon the adoption of this resolution in principle, it would be subject to such verbal changes as might be thought best by the drafting committee. This resolution represented, the chairman thought, a most emphatic condemnation of the abhorrent practices which had been indulged in during the late war. It would seem, indeed, extraordinary if this conference, unmindful of these abhorrent practices which shocked the world and contributed more than anything else to the defeat of the Imperial German Government, should pass them unnoticed, and should deal only in a technical spirit with the matters connected with submarines.

There was another reason which made the declaration opportune and necessary. The committee had had a long discussion in regard to the question of submarines, particularly as to the advisability of their continued use, their numbers, and as to the practicability of their limitation. The committee had been unable to reach an agreement on this question. That was a fact confronting them. Such a declaration as the one proposed in the first resolution would go to the whole world as an indication that, while the committee could not agree on such limitation, there was no disagreement on the question that submarines should never be used contrary to the principles of law governing war. The

adoption of the resolution might, furthermore, avoid misunderstanding on the part of those who were looking to the conference with great hope. It certainly could not be considered as a vain declaration after the experiences with submarines which the powers there represented had had and the feelings engendered by those experiences, to declare in the most precise terms that the rules of international law should be observed. He believed that such a declaration would be of the greatest value.

He hoped that when the resolution was referred to the drafting committee, it would not be overlaid with lawyers' niceties. There was, he knew, nothing which anyone could write which could not be improved by lawyers, but when it came to the expression of vague fears, to which lawyers so like to give expression, he hoped that such verbal criticisms would receive scant attention. Anything genuine and direct which carried the real point, the world would understand—such as the resolution proposed by Mr. Root.

Another important point was that the powers, should a difference arise between them, would have to remember that the weapons which they possessed were not to be used as in the past without reference to the laws of God and man. This would greatly detract from the value of a submarine fleet, for when nations counted their weapons they counted not only their number but the manner in which they could be used. Such a declaration would help the universal endeavors of diplomatists, charged with the conduct of affairs to settle difficulties without strife, and he hoped that the resolution would be agreed to with the understanding that, if it could be improved, it should be, but that the principle was recognized and adopted as sound in substance.

Unless there was objection, therefore, he would put the first resolution in this form, i. e., that agreement was requested in substance, with reference to a drafting committee (to consist of a member designated by each delegation) to consider the form of expression and such verbal changes as might be deemed advisable.

The chairman, after announcing the assent of the American delegation to the first resolution, as amended by Mr. Balfour, put the question to the other delegations, to which each assented in turn.

The chairman therefore announced the unanimous adoption of the resolution and stated that he had asked Mr. Root to represent the American delegation on the proposed committee and requested that the other delegations should appoint their representatives so that the matter could be referred to that committee for consideration of forms of expression.

The chairman then said that the second resolution would be considered in the form presented as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the

requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations they declare their assent to such prohibition and invite all other nations to adhere thereto."

As Mr. Root had explained, this was a proposition to change the law. The first resolution attempted to state the law, the law which had been ignored and which had been trampled under foot, but which nevertheless had been and still was regarded as international law. This resolution fundamentally recognized, however, the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of neutrals and noncombatants. He assumed the resolution to mean that, while the rules of war were as stated in the first resolution—at least in substance—and while it was the sense of the powers there represented that they should be adhered to and clearly understood, the civilized world should be asked to outlaw the submarine as a weapon against commerce.

The point had been made that morning that there might be a question in regard to the assent of the powers here represented to the prohibition, i. e., in relation to the last words of the resolution, which provided that the powers here represented were to invite all other nations to adhere. He supposed that this meant that, if the prohibition should receive the assent of the powers here represented, they adopted it in the hope that it would be made a part of international law upon the adherence of all the other powers—not that it would become binding upon the powers here represented, if it did not become a part of international law, and if others by their refusal to assent prevented it from becoming a general principle. He assumed that the intention of the resolution was not that these powers should try to make international law for themselves, which, of course, they could not do, but that they should use their influence to obtain the adherence of nations to a new rule of law outlawing the submarine as a destroyer of commerce.

Mr. Root said the chairman had correctly stated the sense of the closing words of the resolution; it was to the end that the prohibition of the use of submarines should be universally accepted. Two things were done in the resolutions. First, a declaration was made, then an assertion. If a single nation were to lead with such a proposal, it might have no effect. It required universal assent to establish a law of nations. There was a difference between the second and the first resolutions. The first was a declaration of existing law and created nothing, merely certifying to what existed. The second resolution called

for an act which did not take effect until assent had been received.

Mr. Balfour said he would like to make a suggestion to Mr. Root. He understood Mr. Root's view to be that the powers represented on this committee were only endeavoring to initiate a great reform of international law, by declaring their own view and pledging themselves to induce other nations if possible to support it. He desired to ask whether he could not go a little further. Why should not the five nations represented here agree between themselves to act on the rule which Mr. Root proposed? This suggestion was not inconsistent with Mr. Root's plan. On the contrary it would greatly promote it. Nothing could be better as an example than that the five states, instead of merely adopting a resolution which would be inoperative till generally adopted, should adopt immediately the principles which they desired eventually to see embodied in international law. He did not wish to dogmatize on the subject, but he wished to put the proposal before Mr. Root for his consideration.

Mr. Root said that he would illustrate: The United States had the practice of amending the Constitution. The Constitution could be amended by a proposal of Congress and the assent of three-quarters of the States. One State voted, another, then another, then another—their votes were of no consequence whatever unless and until the necessary number had been recorded—and only when the assent of the necessary number had been recorded could they become effective. The committee could not make a rule of international law; all that they could do was to propose a law, and in proposing it they might add to it their assent, which did not become a law until the necessary number of assents had been received to make it a rule of law. He said that a great mass of nations agreeing might make international law, but the general rule was that international law requires universal acceptance.

He observed, speaking for himself and without opportunity to consult the other members of the American delegation, or without intending to speak for them, that it would be entirely satisfactory as far as he was concerned to have such an addition to this second prohibition as Mr. Balfour had suggested. It was an addition providing for the five powers who were here and who would be bound by such a prohibition as between each other, and he observed that he was quite sure that every power at the conference intended to shape its conduct in accordance with the rule proposed. Such an intention would make for security and good understanding.

Mr. Root said he did not suppose that such a course would in any degree change the conduct of any power here, but an assur-

ance of an intention respecting that conduct would be of great value in settling this disturbed and distracted world.

Mr. Balfour had asked a question as to policy. Mr. Root said he would give this point but passing notice. It was a very common thing in the legislation of all of their countries to deal with objectionable practices by broad prohibitions, because broad and simple prohibitions could be enforced, while complicated prohibitions filled with many items were exceedingly difficult to enforce. He supposed that a very broad prohibition like that we now live under here was necessary in order to make a simple rule which would prevent people from doing things in an objectionable way. In this case if they tried to make the prohibitions in detail, it would be impossible to enforce them, just as it was now impossible in the United States to have a glass of wine at dinner because it was necessary to have a broad prohibition to prevent a lot of poor fellows from getting drunk on bad whisky. This was a proposal of the same character as the proposal made by the British delegation, which had not been received with favor, i. e., the proposal to ban all submarines, with a broad prohibition based upon the fact that though submarines may have a useful purpose, nevertheless the painful purposes to which they might be put were so serious and so injurious that they justified the establishment of a broad and simple prohibition of all submarines. If you undertook to deal with submarines in detail you failed. You could not make a prohibition that could be enforced. Therefore the abuses were so great that the world would be wise to ban them altogether. Now this was a proposal the same in character, resting upon the same considerations; that is to say, it saved the submarine for legitimate purposes and banned only the injurious use of submarines. It substituted a general prohibition for a detailed prohibition—the rule which they had just recognized in their action upon the first resolution, and the wisdom of which did not rest upon theory. It rested in their memory of the most painful events of recent times.

When the German submarines began torpedoing innocent merchant ships and when they had stopped them for the purpose of visit and search and had begun to place bombs in the hulls and blow up vessels, indignant protests were made. The German answer was that it was impossible to comply with the rules that had been made to govern the actions of surface ships. There was an agreement upon that. Germany declared it to be impossible, and it was impossible. The submarines could not successfully carry on warfare against merchant ships and summon them in the ordinary way to stop for visit and search. And when a vessel had been stopped for visit and search, the submarine could not put its crew and passengers in safety because the work was

done while the submarine itself was in a danger from which it could escape only by swift submersion. The submarine could not take a great boat load of passengers and crew into its interior, where air had to be furnished artificially. The distressing circumstances of the crew and passengers of merchant ships deemed the prey of submarines and left to die, were obvious. Germany's assertion that it was impossible for the submarine to war on merchant ships in accordance with these rules was well founded, and for one, the Government of the United States assented to it, agreed to it, admitted it. But they said the consequence was not that the rule failed, but that such warfare must end.

There was no fact more firmly established than that all the temptations that beset a belligerent to gain its point at whatever cost would stand between the submarines and conformity with civilized procedure. The only way to secure the safety of innocent passengers and crews, noncombatants, neutrals, women, children, etc.—the only way to secure their safety was to say that no belligerent should attack a merchant ship through an instrumentality which can not achieve the attack without violating the rule. It created a simple and forcible rule in the place of the complicated and detailed rules which were required by the weakness of human nature. Mr. Root said a forcible rule, because a rule that could be understood by the people. He repeated again with regard to what he had said before regarding the first resolution, that he granted that contracts between nations would not enforce themselves. He granted that the rules made by diplomatists, conferences, and foreign offices, might not be enforced. But he also asserted that when a rule is based upon the principles of humanity and when the public of all free countries had got hold of it, understood it, and adopted it as a guide in its conduct of belligerent operations, the public opinion of all civilized countries would furnish sufficient support of the rule—because the condemnation of the public of the world brings with it a condign punishment for any Nation that offends, a punishment that no Nation dares to face.

The chairman said that there were two distinct propositions before the committee. The first, broadly stated, was an attempt to amend and improve existing international law in the sense that submarines should not be used at all as destroyers of commerce. There might be some difficulty in determining definitely when international law had actually been amended, but he believed that some means could probably be found of establishing a criterion, as for example, by stating that the agreement should be effective on the adherence of powers named.

The other proposal, which had been made by Mr. Balfour and accepted by Mr. Root, was that, regardless of the outcome of the first proposal, the five powers represented on the committee should

bind themselves, as among themselves, not to use the submarine for the destruction of commerce. Quite apart from any attempt the committee might desire to make to change international law, such a proposition was entirely within the competency of the powers here represented. So far as the American delegates were concerned, there was no doubt as to the approval of the policy. It was really a practical application of existing rules, as it was only in exceptional cases that submarines could operate successfully against commerce and the existence of the exceptional cases constituted an invitation and temptation to violation of the law. On this point it was hoped agreement could be reached. The two propositions, while distinct, could be set forth in one declaration or in separate declarations. The chairman desired to know whether such discussion should take place then or should be postponed until the following day.

Mr. Balfour said that the chairman had pointed out that the discussion had brought two propositions before us: First, the change in international law proposed in Article II of Mr. Root's resolutions, and second, the addition which he himself had suggested in that resolution whereby the powers represented on this committee would bind themselves immediately to accept and act upon the new policy as between themselves. He thought it would assist the consideration of this question if he were to give the exact words in which his own proposal should be formulated. He would amend the last part of Article II so as to read as follows:

"They declare their assent to such prohibition and they agree to be bound forthwith thereby as between themselves, and they invite all other nations to adhere to the present agreement."

The subcommittee for drafting a resolution regarding submarines was made up as follows: United States, Mr. Root; British Empire, Sir Auckland Geddes; France, Vice Admiral de Bon, Mr. Kammerer; Italy, Signor Ricci; Japan, Mr. Hanihara.

The meeting then adjourned until 11 o'clock a. m., December 30, 1921.

THIRTEENTH MEETING—FRIDAY, DECEMBER 30, 1921, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India).

Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Malkin, Mr. Mousley.

France.—Mr. Sarrut, Vice-Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice-Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Paul and Mr. Wilson.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The thirteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, on Friday, December 30, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, (for Australia) Senator Pearce, (for New Zealand) Sir John Salmond, (for India) Mr. Sastri; for France, Mr. Serraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Malkin, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Mr. Ichihashi. The Secretary General of the conference, assisted by Mr. Paul and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The Chairman, Mr. Hughes, said that the committee had under consideration the second resolution which had been proposed and which had for its object the elimination of the submarine as a commerce destroyer. There were two phases of the resolution under the amendment proposed by Mr. Balfour: The one was the proposition to amend the existing rules of war so as to provide that submarines should not be permitted to act as commerce destroyers, and the other was that the five Governments here represented should not only recommend the adoption of the new rules to which he had referred, but should at once agree among themselves that they would observe such rules.

The Chairman asked whether the committee desired time to continue the discussion of this proposition.

Senator Schanzer said that he did not wish in any way to oppose the continuation of the discussion on the second resolution proposed by Mr. Root; but, as he had said the previous day, the Italian delegation had had to communicate with its Government. Its instructions had not yet been received. Of course, he wished to make it plain that the Italian delegation had no objection to the continuation of the debate if the other delegates so wished.

Mr. Sarraut said that he had no objection to the discussion proceeding, but he wished to remark that as yet he had been unable to receive instructions from his Government. It would be an unprofitable discussion, he thought, unless all the delegates were provided with instructions from their Governments and could speak with authority.

The Chairman remarked that it would certainly be desirable that the discussion be continued at a time when the French and Italian delegates were in a position to state with definiteness the attitude of their Governments in regard to the subjects presented for discussion and he was sure that the members of the committee had no desire in any way to proceed with the discussion at such time or in such manner as would seem to make it necessary to have questions presented and debated which their colleagues were not really in a position to discuss. But, of course, if there were any views which any of the delegates desired to present, there was opportunity to do so.

Lord Lee said that he quite appreciated the position in which the committee stood in the absence of complete instructions to two of the most important delegations here. He could not help feeling, that in the minds of the French delegation and Government, there existed some misunderstanding as to the attitude of the British Government in regard to submarines which it was desirable to clear up before the French Government committed itself in regard to the second resolution. He could not help feeling that here was a unique opportunity for the French delegation and Government to reassure the British Admiralty and public opinion in regard to this matter; of which he hoped they would avail themselves. British apprehension in regard to the use of submarines was deep founded and, as the events of the war had shown, well founded. He had no desire to take advantage of this occasion to reopen the question of the tonnage of submarines to be allotted to the different Powers. That would not be in order in discussing the present resolution. What the committee was considering was the uses to which submarines might be put. While the late war showed that rules of war were of little protective value when a nation was in desperate straits, at the same time these resolutions proposed by Mr. Root would, in the view of the British delegation, be of immense value as a deterrent. They would represent the most civilized opinion of the world,

and any country who broke them would be morally outlawing itself and running in an intensified form the risk which Germany ran in bringing down upon her head the active hostility of other civilized Powers. But he wanted to explain to his French friends, if he might, why it was that the British delegation had these special apprehensions which had been expressed so forcibly in connection with France.

Lord Lee went on to say that of course there was no one in the British delegation, or, indeed, among any of his fellow countrymen, who had not the highest esteem and admiration both for Mr. Sarraut and Admiral de Bon. Mr. Sarraut was obviously not only sincere in everything that he said, but the whole spirit of his remarks breathed statesmanship, moderation, and humanity. As to Admiral de Bon, if he would allow Lord Lee to say so in his presence, everyone regarded him—at any rate those at the Admiralty who knew his distinguished record—as the very embodiment of French chivalry and sea honor and, as Lord Lee believed had been said before, he did not think there was any officer in the British fleet who would not be proud to serve under his orders if the occasion arose. But the difficulty was (and this was a point that the British Admiralty and the British naval staff had to face): They were not clear as to the views of the French naval staff on the matter of the utilization of submarines in time of war. It was true that the views expressed by experts did not always by any means determine the action of governments; if they did, no doubt every country would some day be placed in the position which the late Lord Salisbury once described when he said, “If we listened to the experts we should have to put a garrison in the moon to protect it against an invasion from Mars.” But the views of naval staffs, of the experts, were of importance unless and until they were disavowed by the governments which they served.

Mr. Briand quoted the other day in his memorable speech the atrocious sentiments expressed by Gen. Ludendorff and by Von Moltke, sentiments which still constituted in his view a menace to France and one which it was essential that France should guard herself against. It was, therefore, he hoped, not improper nor in any sense provocative if he had to call attention to the kind of statement, the kind of suggestion of policy, which was openly made in high and responsible quarters of the French naval general staff in connection with the use of submarines. If, as he believed, they did not represent the views of the French Government; if, as he hoped and believed, they would be at once repudiated, and in an effective manner, then possibly British apprehensions and the attitude which Britain was compelled to adopt with regard to the use of submarines in war might be very

largely modified. He felt bound to give chapter and verse to illustrate the anxiety that was felt in regard to this matter. There was published quite recently in the "*Révue Maritime*," a technical and official publication, published in January, 1920, under the direction of the French naval general staff, a series of articles now incorporated, he believed, in "*Synthèse de la guerre sous-marine*" by Capitaine de Frégate Castex, who at that time was chief of one of the important bureaux of the French naval staff; who was now Chief of Staff of the Admiral of the second division in the Mediterranean, and who had just been designated as principal lecturer to the senior officers' course for the next year. Therefore, he was not quoting some retired naval officer writing from his club; all countries suffered from such gentlemen who propounded extraordinary theories. He was speaking now of a responsible officer of the French naval staff in a high position, who wrote in particular an article on "Piracy," in which, after some preliminary observations destined to throw ridicule on those who criticized the German methods in the late war and to treat them with great contempt, he proceeded to say this:

"In the first place, before throwing stones at the Germans, we should have recalled that this war of the torpedo was, like so many other novelties of our planet, the application of an idea which in its origin was essentially French."

Then he quoted in support of his view the doctrine which had been laid down some years ago by Admiral Aube, who was a very distinguished and celebrated French minister of marine, who had used the following words when speaking of the use of the torpedo from a torpedo boat (Capt. Castex went on to point out that they were equally applicable to the submarine to-day):

"Will the torpedo boat tell the captain of the liner that it is there, that it is lying in wait for him, that it can sink him, and in consequence take him prisoner? In one word, will it seize its prize by platonic methods? On the contrary, at an appropriate distance, and unseen, the torpedo boat will follow the liner which it marks out for its victim. In the dead of night, quietly, silently, it will send to the abyss, the liner, cargo, passengers, and crew; then with a mind not only serene, but fully satisfied with the results achieved, the captain of the torpedo boat will continue his cruise."

Capt. Castex continued:

"The Germans, as is their wont, have only appropriated in this case the invention of others. The young French school no doubt only had in mind the torpedo boat as such, but, if the effect of the torpedo is independent of the tube which launches it, it will be agreed that the German submarine war had its germ in the observations quoted above. But approaching the question from a higher standpoint than that of mere inquiry as to who conceived

this new form of warfare, it must be recognized that the Germans were absolutely justified in resorting to it."

Capt. Castex said, indeed, that to "neglect to do so would have been to commit a great blunder." Further:

"It is thus that resolute belligerents have acted throughout the course of history when people have been engaged in desperate conflict."

Further:

"To sum up, one can see nothing in the attitude of the Germans which, militarily speaking, is not absolutely correct. The failure to give notice before torpedoing has raised a storm of protest, but it is not so inadmissible as at first sight appears."

There were many other passages, Lord Lee continued, of a similar description, and interspersed among them was the laying down of a doctrine with regard to the value of submarines, to which the British Delegation heartily subscribed and to which it had shown its adherence in the debates which had preceded this:

"The submarine is a mediocre torpedo boat; that is to say, it has only very limited chances of damaging by means of a torpedo a ship enjoying, like itself, full liberty of movement on the broad sea, as is proved by the relative immunity enjoyed by big warships even in the most dangerous zones and at times when submarines were swarming around. With regard to submarines, the English seem to have an opinion very similar to that which we entertain."

There was much more of the same kind, but Capt. Castex concluded the first section of his article by quoting these words.

"After many centuries of effort, thanks to the ingenuity of man, the instrument, the system, the martingale is at hand which will overthrow for good and all the naval power of England."

Lord Lee said he had drawn attention to these passages because, as he had said, they were the utterances of a responsible member of the French naval staff who at the time of writing was in a high position and was the actual head of a bureau. These things were known to the British naval staff, of course; indeed, they were published to the world under the authority of the French naval staff. Now this officer, who was appointed principal lecturer to the Senior Officers' Course, would, no doubt, unless a change of policy took place, be pouring what the British delegation regarded as this infamy and this poison into the ears of the serving officers of the French Navy. That was the justification for what he could only describe as the apprehensions and even bitterness that the British delegation must feel in the thought that under any conceivable circumstances their present allies, their late comrades in arms in the greatest war the world had ever known, should contemplate the possibility of warfare of that kind. It seemed to him, now that these apprehensions had been expressed, that the way was open for the French delegation and the French Government, as he

fervently trusted they would, to disavow and repudiate these things. He suggested respectfully that there was only one way in which that could effectively be done, and that was by the adoption of these resolutions which had been moved by Mr. Root, and particularly No. 2, with the amendment suggested by Mr. Balfour, attached to it.

The French had told the committee here again and again that they only required submarines for purposes of defense, particularly for the defense of their colonial possessions, their home ports, and their lines of communication. There had been differences of opinion as to the utility of submarines for these purposes, but now, it seemed to Lord Lee, there was an opportunity of proving to the world that they meant what they said in regard to this, and that they were not prepared under any circumstances to consider the use of submarines in the manner in which the Germans used them in the war, which a member of their general staff had claimed as their own and as being in every way legitimate and desirable. If that repudiation took place, in the only form in which it could be effective, then the position, so far as the British people were concerned, would be very largely changed; the feeling they had of apprehension and even of bitterness would be removed, because he was sure his French friends would believe him when he said this, that they took no pleasure in any kind of re-creation, public or private; they regarded it as an offense and a reproach to the world that such a thing should ever take place between them. But here was a situation where the very existence of Britain, its life as a nation, might be at stake, and now was the chance of the conference, and perhaps the only chance, of making its appeal to the world to remove the horrors which were so vivid in the minds of everyone. If this resolution as amended by Mr. Balfour were accepted by every nation around this table, as applying to themselves and their conduct in any future wars as between themselves, then, he thought he might say, that France would have regained much of the ground which he believed had been lost between them, largely through a misunderstanding, a genuine misunderstanding in their hearts. If that were done all her friends, among whom he was proud to count himself one, would unfeignedly rejoice.

Admiral de Bon said, after thanking Lord Lee from the bottom of his heart for the flattering expressions used by him in regard to Admiral de Bon, he wished to declare that he considered it a great good happiness and a great honor in his life to have collaborated during several years, especially through the most trying hours of the war, with his friends of the British Admiralty, among whom he had made deep and lasting friendships which would endure as long as he lived.

He had been deeply gratified by Lord Lee's statement. Since the beginning of the discussion he had been unable to comprehend the misunderstanding which seemed to have arisen between them, because—he stated it openly and declared it most emphatically—there was nothing more foreign to the minds of the French than the idea of attacking a friend. It was not even conceivable to them. Their only regret was that this misunderstanding had lasted so long and that they had not known that it was based on an article like that written by Capt. Castex.

He was, it was true, an officer who belonged to the general staff, but who was attached to a literary section. He was above all a man of letters. His article had been published in the *Revue Maritime*, which was, to a certain extent, an organ recognized by the French Navy, but on its title page it bore a statement to the effect that the French Admiralty and general staff declined to assume any responsibility whatever as regards the utterances contained in the articles, which responsibility rested wholly with the authors of the articles. Each writer was free to express his own opinions, but he did so at his own risk.

The charge should be laid at the door of the man who wrote that article, and to him only. The article in no way represented, thank heaven, the views of the French Navy.

Capt. Castex brought up an old argument regarding the torpedo boat. Admiral de Bon had told the committee only the other day, in regard to the submarine, that once more the same stages of discussion were being gone through which marked the appearance of the torpedo boat. There had been no instance in history when the appearance of a new weapon had not unleashed a sort of fanaticism in the ranks of the partisans; there were always extremists who wished to impose their ideas, and made fantastic statements to that end. But in the end common sense always stepped in and public opinion kept the ultimate judgment within reasonable limits.

At the time when frantic enthusiasts believed that torpedo boats were the noblest of inventions, abominable things appeared in print which had no affect on actual practice or on the doctrines adopted by the various Governments with regard to the use of torpedo boats. He could find no better way of condemning the article in question.

The author of that article had written what the French delegation considered to be a monstrosity. The French delegation had repeatedly stated that it unreservedly condemned the practices of the German submarines during the late war and that it desired that a declaration strongly condemning them should issue from the conference and be spread over the entire world.

He begged Lord Lee to believe that the French Navy had never harbored any idea of using methods of war practiced by the Ger-

man submarines (for which they felt only horror) against the British Empire, nor against any other country whatever.

He maintained that the honor of the French general staff and of the French Navy, which had a record of centuries of struggle without a single stain on their escutcheon—could not be sullied by the article in question. This article was the work of an officer who was a man of letters rather than a sailor; and Admiral de Bon formally repudiated it in the name of the French Navy.

Mr. Sarraut said that although he must await the instructions of his Government with regard to certain points in the resolutions proposed by Mr. Root, he had no need of any instructions to associate his sentiments with those of Admiral de Bon, which he solemnly confirmed as head of the French delegation, or to offer the French Government's formal repudiation of those methods of warfare which had just been mentioned.

He hoped that these explanations—he thanked Lord Lee for having given him the opportunity to make them—would be of such a character as to dispel for all time the misunderstanding which, to his profound regret, had arisen between them—a misunderstanding of which he did not comprehend the reason or the nature. He hoped and believed, moreover, that all the delegates might draw a lesson of mutual confidence from this incident which would permit them in future to avoid misunderstandings of this sort by forming the habit of frank and forehanded explanations. The misunderstanding which had arisen might easily have been avoided, even before it was thought of, by a direct and friendly conversation in which the French delegation would have been glad to take part had the opportunity been offered them. In future, as far as they were concerned, they would continue to have the same sincere desire to explain their point of view before public opinion had been molded under such circumstances as had been seen.

Lord Lee had uttered a word with which he (Mr. Sarraut) would not reproach him, for he did not wish to use the word "reproach" in speaking of friends. He had spoken of the ground which had been lost by France since these deliberations commenced. This phrase was well known to the French delegation; they had heard it throughout the war; there were days when France lost ground or positions which nevertheless she contrived to regain immediately. He was well aware that every day in the press the French delegation witnessed a campaign of bitter criticism launched against their country, against the motives of France, to the end that she might be made to appear under an aggressive guise of imperialism and militarism. That very morning there was an odious caricature representing France trying on the spiked helmet of Prussia. The French delegation had borne these attacks calmly and with serenity, not wishing

to embitter the discussion by replying to them. Strong in their right and in their loyalty, they had remained silent in spite of the violent prejudice which this campaign was arousing against them. There were times, Mr. Sarraut said, when one must suffer for one's friends; true friendship was measured by the extent of the sacrifices suffered in its name; but, just as the French delegation had never dreamed of holding their British friends responsible for these cruel attacks, so the British delegation should not dream of thinking that that organization which France had created for her national defense, in the name of the right of French sovereignty, and for the protection of vital interests with which the French were better acquainted than any one else, could possibly be directed against friends.

If each and every day the members of the French delegation had to continue to defend themselves against such suspicions; if, when they had come here for the purpose of working for the proposed peace by means of the reduction of armaments, they must constantly see the specter of war dangled before them and be made aware of an undercurrent of thought concerning mutual threats or of the idea that is attributed to them of plans of aggression against those who had mingled their blood with that of the French soldiers on all the battle fields of the greatest war the world has known; then indeed they would be impatient to see the end of a conference which had brought them the bitterness of such a disappointment. They were impatient to see a clearing of the atmosphere and the disappearance of all unwholesome insinuations. The French people had been given to understand (and in what terms!) that even before reconstituting their defensive forces, and before thinking of again fortifying their country against renewed devastation, they would do well to pay their debts. They felt no shame for those debts, nor did they forget them; they regarded them with pride as the wounded man his scars.

There were things more painful to the French people than these; the lack of confidence in their gratitude and affection toward their great ally. Mr. Sarraut said that he could attest its sincerity and with very deep emotion. He had had the honor to be a member of the cabinet at the moment when the war of 1914 was declared against them; and never without profound emotion did he recall the feeling of exaltation that he experienced when, in ministerial council, he learned that the English Army which the Emperor of Germany had called the "contemptible little army," and which was to become the great and powerful British Army, had just aligned itself resolutely at the side of France in the vast conflict which was looming up. He would never forget that hour; it was eternally graven on his heart;

and it had always dominated his thought. Truly there had been enough of these misunderstandings; they must be done away with! Mr. Sarraut, for his part, hoped for it with all his heart! Mutual confidence free of all reserve must again prevail among the nations represented at the conference. In this respect the French Government had given and was ready to give every guaranty; its word indeed should suffice. Mr. Sarraut concluded by saying that if he did not ask to pursue the discussion of the second resolution, and to formulate the conclusions which as all present must appreciate rose to his lips, it was in order that the expression of his feelings might have not only the authority of the head of the French delegation but might be clothed with all the moral force that belonged to the decisions of the French Government.

Mr. Hanihara said that so far as the Japanese delegation itself was concerned no objection was seen to the adoption of Article II of the proposed resolution as amended by Mr. Balfour. However, as a matter of formality and procedure, they were required to submit to their Government the precise text of it, and ask for instructions thereon before they could give formal assent to it.

The chairman asked whether anyone desired to speak further upon this matter at that time. As the representatives of three of the Governments were not in a position at the moment to speak under definite instructions with respect to this article, it seemed desirable that the discussion should be postponed. The committee would then come to the third resolution; but anticipating what would probably be said with regard to it, the chairman suggested that the same course be adopted, and that both these resolutions (which had a relation to each other) should go over for further discussion until such time as the chairman was advised by the delegations that they had received instructions and were ready to proceed.

Senator Pearce said that there was one point involved in Article III which might possibly require amendment, and, if so, he thought it might be advisable to embody this amendment at once. He referred to the fact that the declaration included persons in service of any of the powers "adopting these rules." If the resolution were adopted in its present form, it would mean that whilst the officers of the nations which adhered to these articles would be liable to the penalty under Article III, the officers of nations not adhering would not be so liable. He thought, however, that an amendment should be made so that the rules might become part of international law, with general application, in order to be effective.

Mr. Root said that the point to which Senator Pearce had referred was very important and very interesting. The draft limited its operations to those powers which had adopted the

rules; but the question whether it should be so limited or should extend to other powers was a question open to discussion, upon which different views might be taken. That question was in the proposition, and as it seemed to be understood that there was not to be a discussion upon the subject at the time, he would content himself with an acknowledgment to Senator Pearce of the importance and interest of the suggestion which he had raised.

The chairman said that it seemed quite clear that the committee should not proceed with the discussion of these resolutions in parts when several of the delegations were not in position to discuss them under appropriate instructions. As had been said, the point which had been raised by Senator Pearce was one which could not very well be discussed without bringing into the discussion the general bearing of the resolution, its import, the policy involved in it, and a number of questions which would have relation to the particular point raised. With the committee's permission he would assume that the discussion of both the second and the third resolutions should be postponed until the chair was advised that the delegations had heard from their Governments and were ready to proceed with the discussion; in the meantime, of course, any amendments which occurred to any of the delegates for the purpose of clarification or modification could be brought to the attention of Mr. Root or of the chair, so that they might be circulated, if desired, among the delegations and might be taken under advisement pending full explication and consideration at the time when the discussion was resumed.

With the committee's permission, therefore, the resolution which had been proposed the other day, and the discussion of which had been postponed with respect to the limitation of the tonnage of individual ships of war, other than capital ships or aircraft carriers, would be taken up. That resolution, as proposed and as amended, was now presented as follows:

"No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no guns shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

The chairman said that the committee would recall that general agreement had been expressed with the provision of the resolution as to the limitation of armament in the case of ships of war other than capital ships or aircraft carriers, i. e., that no guns should be carried with a caliber in excess of 8 inches.

There were reservations, however, with respect to the limitation on total tonnage, i. e., the suggested limitation of a total tonnage displacement of 10,000 tons. The chairman asked if the committee would take up the discussion of this question.

Baron Kato said that on behalf of the Japanese delegation he accepted the proposal to limit the tonnage of light cruisers to

10,000 and the caliber of guns carried by such ships not to exceed 8 inches. He asked, however, that he be permitted to make a suggestion while he was on his feet. The question of large merchant ships with high speed should be considered according to the principle enunciated in paragraph 30 of the original American plan. Unless this question were settled, he feared that the limitation put upon light cruisers would remain meaningless.

The chairman said, with reference to the last suggestion of Baron Kato, that he ought to say that the question of merchant ships and appropriate regulations with regard to their use or to the armaments applied upon them, to the end that they should not be used to contravene or make futile the limitations upon which the committee might be able to agree, would be brought up later for discussion. That was a very important matter.

With respect to the range of application of the present resolution, he felt bound to call the attention of the committee to the fact that originally it had been proposed to refer to auxiliary cruisers, but that at the suggestion of Lord Lee that resolution had been amended to read as follows: "No ship of war other than a capital ship or aircraft carrier"; he assumed that the limitation therein expressed referred to every ship of war other than a capital ship or aircraft carrier, of every sort built hereafter.

There were three exceptions to the application with respect to tonnage displacement and armament, and those three exceptions were capital ships, aircraft carriers, and ships now existing. These were the three exceptions. This did not apply to any ship existing, but it did apply to every ship of war hereafter built which did not come within the category of capital ship or aircraft carrier. It was important that that be understood before it was acted upon.

If he had interpreted the amended resolution correctly, he was inclined to the view that its meaning would be clearer if there were some change in the arrangement of the words, and he suggested the following:

"No ship of war hereafter built, other than a capital ship or aircraft carrier, shall exceed a total tonnage displacement of 10,000 tons, and no gun shall be carried by any ship of war hereafter, other than a capital ship, with a caliber in excess of 8 inches."

The chairman then asked whether the committee should proceed to a discussion of this question.

Admiral Acton accepted for the Italian delegation the proposal just read by the chairman.

The chairman said that the situation was that all the powers present had accepted the resolution with the exception of the French delegation, which had not as yet received definite instruc-

tions upon the point. The matter would therefore be delayed until he was notified that such instructions had been received.

The meeting was then adjourned until 3 p. m. December 30, 1921.

FOURTEENTH MEETING—FRIDAY, DECEMBER 30, 1921, 3 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles.

France.—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

Japan.—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The Secretary General. Assisted by Mr. Cresson and Mr. Pierrepont. Mr. Camerlynck, interpreter.

1. The Fourteenth Meeting of the Committee on Limitation of Armament was held in the Columbus Room, Pan American Union Building, on Friday afternoon, December 30, 1921, at 3 o'clock.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (of Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Knowles; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Ichihashi.

The secretary general of the conference, assisted by Mr. Cresson and Mr. Pierrepont, was present. Mr. Camerlynck (interpreter) was also present.

The chairman (Mr. Hughes) said that he assumed that the next subject to be brought before the committee for discussion was the proposal with regard to the total tonnage of airplane carriers which each of the powers should have as a maximum under the proposed agreement. This was item 23 of the proposal circulated at the opening of the conference on behalf of the American Government.

"It was proposed that the total tonnage of airplane carriers allowed each power should be as follows:

United States.....	80,000 tons.
Great Britain.....	80,000 tons.
Japan.....	48,000 tons.

"Provided, however, that no power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.

"24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

"(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

"25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon."

And there was a supplement to those proposals, the additional proposal being as follows:

"No airplane carrier shall be laid down during the term of this agreement whose tonnage displacement is in excess of 27,000 tons, and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

The chairman said that he ought to add that the allowance to the United States, Great Britain, and Japan, as stated in item 23 of the proposal, was based on the ratio which had been proposed with respect to capital ships of 5-5-3, and, if the same ratios were provided with respect to France and Italy as would be furnished by the relation of the capital ship tonnage agreed upon, of course the figures would correspond accordingly.

There were a number of points embraced in the proposition. He supposed that it would be an advantage that the committee should not scatter the discussion by talking to different points at the same time; and, if it was quite agreeable to the delegates, he would suggest that the committee begin with the discussion of the maximum limitation of total tonnage, i. e., the maximum

allowed for the total tonnage of airplane carriers—not the maximum for individual carriers, but the total tonnage allowed for airplane carriers as stated in the proposal, namely, United States 80,000 tons, Great Britain 80,000, Japan 48,000 tons, and so on in proportion to the capital ship tonnage allowed.

Admiral Acton then read the following statement:

“With respect to aircraft carriers, the American proposals assign to Italy 28,000 tons, corresponding to the capital ship tonnage of 175,000 tons already determined upon. This would permit the construction of only one aircraft carrier of the maximum of 27,000 tons agreed upon for this class of vessel. It must, however, be taken into consideration that if a single vessel of this character were obliged to go into dry dock or were to be sunk at sea, Italy would find herself under these circumstances temporarily or definitely without any aircraft carrier whatsoever. We believe it therefore to be indispensable that we should be equipped with a total tonnage of aircraft carriers superior to that which has been assigned to us. To be precise we ask as our minimum a tonnage corresponding to a figure double that of the maximum tonnage displacement allowed to individual vessels of this class, i. e., 54,000 tons. It is moreover understood that if a tonnage superior to 54,000 tons is assigned to any other Mediterranean power, we demand a parity of treatment in this respect; i. e., we demand the allowance of an equal amount of tonnage.”

The chairman said, merely as a matter of clarification, he would like to ask whether, when Admiral Acton spoke of “any other power in the Mediterranean,” he included Great Britain.

Admiral Acton replied in the negative.

Lord Lee said he had listened with attention and with a certain sympathy to the remarks of Admiral Acton, because the admiral had suggested a situation which might and perhaps must occur in every navy through a ship being out of action at intervals during her career. The admiral had complained that, having only one airplane carrier, the Italian Navy would be deprived altogether of that arm if their one ship happened to be in dock or out of action. Looking at the matter impartially it appeared to him that the claim put forward by the Italian delegation was very difficult to resist. Since the proposal of the United States delegation to limit the maximum size of airplane carriers to 27,000 tons, with an armament not to exceed the 8-inch gun, he himself had had an opportunity to discuss the matter with his experts. They regarded those limits as reasonable and in strict accordance, so far as the British Empire was concerned, with the up-to-date needs of airplane carrier construction. Without claiming undue credit for the British Navy, he thought, perhaps, that it had experimented with and developed this class of vessel to a greater

extent than had any other navy, and in the opinion of his experts the limits proposed provided all that was necessary for fleet purposes.

At this point Lord Lee said he would like to mention that the airplane carrier was essentially a fleet weapon. It was not an independent unit, but was essentially an auxiliary to a modern fleet, and it was therefore important that the number of airplane carriers should be adequate and proportionate to the size of the fleet. For this reason the British Empire delegation associated themselves with the view that the ratio of capital ships could be applied also to airplane carriers in order to bring both number and tonnage into line with actual requirements. At the present time the British Navy possessed five airplane carriers, which included four vessels which were really experimental, and three of which were small and inefficient. These vessels, in fact, were in the nature of gropings, in the light of experience gained by the war, and certainly four of these were experimental and obsolete. In these circumstances, whatever decision might be reached as regards the total tonnage, he would have to demand that Great Britain should be entitled, in spite of the rule as regards new construction, which would be discussed later, to scrap at any moment the experimental ships which they now possessed and to replace them with new ships designed to meet the requirements of the fleet. This was the only way in which the British fleet could attain that equality with the other fleets to which it was entitled. With that reservation the British Empire delegation regretted, in view of the fact that submarines, which were an important weapon of war, were to be continued, and airplane carriers were an equally important weapon of antisubmarine defense, that it would be impossible to reduce the number of their airplane carriers for fleet service. In these circumstances the delegation to which he belonged felt that the tonnage laid down in the original American proposals was inadequate to the essential requirements of the British Empire, as indeed it must be if the British Navy was to have numbers proportional to the number required by Italy, and he presumed by the other powers. Before committing himself finally to the exact figures at which he thought the total tonnage limit should be fixed, Lord Lee said he would be glad to hear the views of the other delegations present. The British Empire delegation were most anxious, as indeed they had shown, to limit not only armaments but expenditure on armaments, and they were most anxious to avoid competition in every class of craft, and therefore to limit the numbers and tonnage of airplane carriers to the lowest point compatible with safety.

In conclusion, Lord Lee said he would like to hear the views of his colleagues of the other delegations.

Admiral de Bon said that the question of the total tonnage of aircraft carriers was evidently intimately related to the maximum of each unit. Now, in this respect, there was evidently great uncertainty, aircraft being still the subject for further study and examination, and he did not see that in any country definite views concerning a type of aircraft had been reached. If there were uncertainty with regard to aircraft, this uncertainty would evidently apply to the aircraft carriers. The decisions which the committee could take on this subject were therefore marked in advance by a degree of weakness due to this uncertainty, and could therefore be only provisional.

Having made this reservation, Admiral de Bon asked nothing better than to support the views of the other members of the committee. In the present case it could be assumed that about 25,000 tons would be the maximum tonnage of an ordinary aircraft carrier.

The French delegation considered that France actually required two aircraft carriers for European waters. This followed the same line of reasoning advanced by Italy. They also considered that a third was necessary for use in their colonial possessions. The use of aircraft for police purposes in the colonies was considered by them as of the greatest service. If newspaper reports might be believed, the French delegation suggested that an actual example of this fact was now offered in Egypt, where, in order to maintain order, the effect created by the presence of aircraft was invaluable.

Admiral de Bon stated that in view of the above the French delegation considered that three aircraft carriers were necessary for the needs of France. If each one of these were of 25,000 tons, that would make a total of 75,000 tons; but in order more nearly to approach the general wishes expressed, he said that he would voluntarily agree that 60,000 tons might be sufficient for the present, and by a rearrangement of tonnage three vessels might be built in conformity with this allowance.

Admiral Baron Kato said that he had listened with pleasure to the remarks made by Lord Lee on the question of airplane carriers. Lord Lee's sympathies with the Italian demand for two carriers were in accord with his position. He, too, believed the Italian demand to be justifiable.

Now the American proposal allowed Japan a total tonnage of 48,000, with which she could construct only one and a half airplane carriers. That would not, in his judgment, give Japan a sufficient force for her protective purposes. Admiral Baron Kato sought permission again to call the committee's attention to the insular character of his country, the extensive line of her coast, the location of her harbors, and the susceptibility of her cities,

built of frame houses, to easy destruction by fire if attacked by air bombs. All these necessitated Japan's having a certain number of airplanes and "portable" airplanes; that is to say, a means of distributing airplanes in such a manner as adequately to meet her local needs. Japan could not have an enormous number of airplanes to be stationed in all places where they were needed because she was economically incapable. To meet all these needs Japan was exceedingly desirous to have three airplane carriers of 27,000 tons each, or a total tonnage of 81,000. In asking for this increase, he would, of course, raise no objection to a proportionate increase on the part of the United States or Great Britain.

The chairman said that, as he understood it, the situation disclosed by the discussion was as follows: Great Britain desired five airplane carriers at whatever the maximum for each individual ship might be taken to be, and, if that were 27,000 tons, it would mean a maximum of 135,000 tons. France desired 60,000 tons, which, of course, could be divided in such a way as would be deemed best suited to the special needs of France. Italy desired two, which, at a maximum of 27,000 tons, would make an allowance of 54,000.

Japan desired three, which, at the maximum of 27,000 tons, would be 81,000 tons.

Now, the chairman continued, this appeared to be, with the single exception of a very slight difference between 54,000 and 60,000 in the case of France, in the ratio of the capital ships. It was quite apparent, for the reasons that had been very cogently presented, that the original figures of the American proposal would not meet what were deemed to be the needs of the various governments. He also understood that there was agreement by all that the caliber of guns carried should be limited to 8 inches, in connection with the suggested maximum tonnage of 27,000 tons.

If that disposition was agreeable to the other powers, he saw no reason why the American delegation should not accept it, with the maximum allowance for the United States corresponding to that which Great Britain had asked. And he assumed also that there would be no objection, if France had this slight excess over the exact amount allowed by the ratio—that is, 60,000 tons instead of 54,000 tons—in allowing Italy a corresponding amount on the basis of parity for which Italy had always contended.

If that was agreeable, he would put it to a vote, unless it was desired to continue the discussion further.

The delegations being polled in turn, each voted in the affirmative.

The chairman said that he understood that that vote, in view of the discussion which had preceded it, might, without separate

action, be taken to include the maximum of 27,000 tons for the individual tonnage, and the armament of 8-inch guns.

The chairman added that in the course of his remarks Lord Lee had referred to a fact which had been emphasized by other delegates, namely, that the development not only of airplanes, but of airplane carriers, was in an experimental stage and that the airplane carriers which they now had were not deemed to be anything more than experiments; hence, that the proposal made at the beginning, which was stated in item 24 of the proposal, i. e.:

"No new airplane carrier tonnage except replacement tonnage shall be laid down during the period of the agreement would not be applicable to the situation in which the powers found themselves, because the existing tonnage was not of a definite type, but provisional and experimental; and that, therefore, those who had carried their experimentation to the point of having actual ships would be placed at an inequitable disadvantage as compared with those who had not built their ships and who could take advantage of the latest information and inventions. That seemed to be a very reasonable position, and the American delegation would bring forward a proposal based on the liberty of the powers to consider the existing airplane carrier tonnage as an experimental tonnage and to provide for replacement from that standpoint."

Subject to that matter of replacement of airplane carriers (which he assumed, might well go with the other provisions as to replacements now under consideration by the technical staffs) he believed that there was nothing more that need be considered at this time with regard to airplane carriers. He asked whether he was right in this assumption.

In view of what had been said in the general discussion, he understood that that was the view of all present, but perhaps he should ask for a definite expression. Without awaiting the drafting of a specific resolution at the moment he would ask whether there was assent to the proposal to regard existing airplane carriers as being of an experimental character and to the principle that, in defining the rule of replacements as to airplane carriers, each power should be entitled to proceed to supply itself, to the maximum stated, with airplane carrier tonnage.

Lord Lee asked, in order to avoid misunderstanding, if it was understood that the principles of replacement, which he had indicated as desirable, were accepted.

The chairman answered that this was of course so, with the understanding that the old experimental carriers should be scrapped; that it was understood that this liberty was a liberty of replacement, not a liberty of addition.

The chairman said that the United States of America assented to the proposal he had just made. He then polled the other delegations and each replied in the affirmative.

The chairman declared the proposal unanimously adopted.

The chairman said that there were a number of points stated in the American proposal with respect to replacement and scrapping and other restrictions and regulations. He had no desire to preclude discussion in the slightest degree on any of these points, but possibly, as they were almost all of a technical character, it would be of advantage to have the experts, who were considering the replacement chart, consider all these detailed matters relating to capital ships and airplane carriers, the two subjects upon which an agreement had been reached, and bring in for the consideration of the committee a statement both as to replacement and the particular regulations as to scrapping which they proposed to suggest, and as to any other restrictions or modifications of restriction contained in the American proposal.

Those matters being relegated for the moment to the consideration of the subcommittee of experts, he asked whether there was any other question which the committee desired to discuss in relation to the limitation of naval armament.

The chairman then said that he supposed it would be in order to have a formal agreement prepared relating to capital ships and including the limitation of the size of individual ships of war and the armament of individual ships, as well as the limitation upon the size and armament of airplane carriers themselves. That agreement might be put in course of preparation while the experts were dealing with the replacement chart in detail. In other words, the committee could have the general form of it, the articles upon which it had agreed, in the course of preparation and that could await the insertion of the particular details of replacement, etc., when they were ready.

His suggestion, then, would be, if the committee had nothing further it wished to discuss at the moment in relation to naval armament, that a committee be formed consisting of the heads of the delegations, merely to take note of the progress that was made with the preparation of the agreement and of the progress that was made by the committee of experts, and to have such informal consultations as might seem helpful in the course of that work, and that the committee should adjourn subject to the call of the chair and a meeting could be had when this agreement was ready to be presented for consideration and approval. He inquired whether this was acceptable. He said he should add to this that, as he understood it, in the matter of the resolution presented by Mr. Root which the committee had had under consideration at the morning meeting—that is, the second and

third resolutions as well as the resolution with regard to the tonnage of individual auxiliary craft, the committee was awaiting the receipt of instructions by certain of the delegations, and that as soon as the committee could take them up, the chair would call a meeting for that purpose. There was also the subcommittee dealing with the first resolution, as to submarine warfare, and whenever that committee was ready to report the chair would be advised.

In conclusion, the chairman, at the request of Mr. Root, announced that there would be a meeting of the subcommittee to which the first resolution regarding the rules of international law covering submarine warfare had been referred, on Saturday morning, December 31, at 11 o'clock in the Governors' Room, to which each member might bring any expert or experts he might desire.

The chairman assumed that there would be no objection to making public all that had been said at this meeting.

The committee then adjourned at 4.45 p. m., subject to the call of the chair.

FIFTEENTH MEETING—THURSDAY, JANUARY 5, 1922, 3.30 P. M.

PRESENT.

United States—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark, Mr. MacMurray.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Mousley.

France.—Mr. Sarraut, Mr. Jusserand, Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Commandant Frochot.

Italy—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary general, accompanied by Mr. Cresson and Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The fifteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday, January 5, 1922, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Colonel Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Captain Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark, Mr. MacMurray; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Commandant Frochot; for Italy, Marquis-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck, interpreter, was also present.

The Chairman, Mr. Hughes, said that the committee had met to continue the discussion of the resolutions which had been proposed relating to submarine warfare for the use of submarines in war. He suggested, in order that the committee might proceed as expeditiously as possible, that it take up the first of these resolutions for the purpose of discussing it separately and not for the purpose of discussing what might be embraced in other resolutions.

The chairman said that this first resolution purported to state existing international law. It had already been discussed at considerable length, and the matter had been referred to a subcommittee on draft to consider such verbal changes as might be found advisable in order to express succinctly but with complete accuracy the existing principles of law upon the subject to which the resolution referred.

The chairman then asked Mr. Root to present the resolution in the form upon which the drafting subcommittee had agreed.

Mr. Root said that in presenting the resolutions referred to it the subcommittee had divided what was included under No. 1 into two parts, making Resolutions I and II.

Mr. Root then read the first two resolutions, as follows:

"I. The signatory powers desiring to make more effective the rules adopted by civilized nations for the protection of the lines of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

"1. A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

"II. The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

Mr. Root stated that the subcommittee had agreed unanimously on these two resolutions but that Senator Schanzer had requested that the following entries be made in the minutes of the subcommittee:

"It is declared that the meaning of article 2 is as follows: Submarines have the same obligations and the same rights as surface craft."

And:

"With regard to the third paragraph of article 1, it is understood that a distinction is made between the deliberate destruction of a merchant vessel and the destruction which may result from a lawful attack in accordance with the rules of the second paragraph. If a war vessel under the circumstances described in paragraph 2 of article 1 lawfully attacks a merchant vessel, it can not be held that the war vessel, before attacking, should put the crew and passengers of the merchant vessel in safety."

The chairman stated that the question before the committee was the adoption of this resolution, which, as now formulated, was in two sections. He supposed there would be no special point raised by the second section; but possibly, as there were two distinct sections, it might be well to deal with them separately. Therefore he would present for consideration the first provision as read by Mr. Root. The chairman then read Resolution I as given above.

The chairman asked Mr. Root whether it was the intention in Mr. Root's report to have the declaration made by Senator Schanzer as a part of the recommendation of the subcommittee.

Mr. Root replied that Senator Schanzer had merely asked that that entry be made in the minutes.

Senator Schanzer stated that the Italian delegation accepted Resolution I but that, so far as they were concerned, the application of the resolution was subject to the two statements made by him in the subcommittee as entered on the minutes of the first meeting (Dec. 31, 1921) of the subcommittee of five on drafting and as just read by Mr. Root.

Senator Schanzer stated, in addition, that the Italian delegation understood the term "*merchant vessel*" in the resolution to refer to *unarmed merchant vessels*.

Mr. Hanihara said that he wished to suggest that the word "seize" should be substituted for "capture" in the last paragraph.

Mr. Root, replying to Mr. Hanihara, said that the subcommittee understood the word "capture" to describe the whole process, one step of which was *seizure*, and that it was intended to make the term "capture" comprehensive.

Lord Lee said that there were only two points to which he wished to draw attention. The object of the signatory powers was stated to be to make more effective rules for the protection of the lives of neutrals and noncombatants at sea in time of war. So far as submarines were concerned, the resolution was a step in that direction. Having stated the principle, however, there appeared to be one serious omission in carrying it out, inasmuch as no provision was made for dealing with attack by aircraft. If it were impossible for a submarine to make provision for the safety of the passengers and crew, a fortiori, this was still more impossible for aircraft. Hence, if the committee were to lay down principles, it ought also to provide that in article 2 the words "and aircraft" should be inserted after the first two words "belligerent submarines," and also in the third line the words "or aircraft" should be added after "a submarine." Otherwise the committee would be permitting a peculiarly inhumane method of warfare, namely, attack on merchant ships by aircraft armed with torpedoes. That was the first point and perhaps it would be best to deal with that separately.

The chairman said he did not desire to press upon the committee a mere question of procedure, but he felt it was very important in the interest of progress that the committee should make its procedure as simple and as definite as possible. As the committee knew, a subcommittee on aircraft had been appointed, to consider the number and use of aircraft, and other questions which would naturally engage the attention of the delegates in relation to aircraft. He greatly feared that, if the question of aircraft were brought into this discussion, it would be very difficult to proceed to a solution of either question. He had no desire to forestall in any way the discussion of the important question raised by Lord Lee, but he suggested to the committee that possibly a separate discussion of the matter of aircraft might be useful,

unless Lord Lee intended to press the point that there should be no statement of the law relating to submarines unless some restriction were put upon the use of aircraft. That would make the proposition clearly germane. But, if it were not intended to go so far as that, the chairman hoped that the matter of aircraft, which presented difficulties of its own, would be reserved for a separate discussion. The chairman hoped Lord Lee would pardon him for this suggestion, but it was made merely in the interest of expedition.

Lord Lee said he certainly had no intention that the first resolution should not be adopted unless aircraft was dealt with therein. It would be improper to take such a stand. He had thought, however, that this would be the most convenient method of dealing with the question of aircraft, since the rules for submarines were applicable also to the latter. If, however, aircraft were to be dealt with in a separate discussion, he would not object to the procedure proposed by Mr. Hughes. He had only wished to draw attention to what appeared to him a very serious omission. If it was the general desire to deal with aircraft separately, he would not wish to contest it.

The chairman stated that it was quite impossible, of course, to forecast the result of a discussion with regard to the use of aircraft. There might be questions pertaining to aircraft of a different sort from those pertaining to submarines, so that no assurance could be given that this or that disposition would be made of the matter; the point was simply that the question of aircraft might profitably be considered by itself, without dealing with it in the same resolution in which the existing international law as to submarines was dealt with. With Lord Lee's permission, therefore, discussion, would be continued upon the original resolution as to submarines.

Lord Lee said he would now develop his second point. He was not sure if he had understood Senator Schanzer to say that the Italian delegation only accepted Resolution I on condition of a drastic change in international law under which merchantmen would not have the right to be armed against attack from any quarter. The arming of merchant ships was not a purely British practice; it was recognized in the Italian Code of 1877, which laid down that a merchant ship which was attacked might be ordered to defend itself and even to seize the enemy. He did not suppose that Senator Schanzer proposed to destroy the privilege allowed the merchantmen to defend themselves.

Senator Schanzer said that he would like to observe, with respect to what Lord Lee had said, that a limitation of the armament of auxiliary vessels had already been fixed. It had been agreed that they might not carry guns of more than 8-inch caliber.

No rules, however, had been established governing the principles to be applied to merchant vessels, nor had they been forbidden to carry armament above a certain caliber. This omission might be dangerous, and even change their character. There were merchant vessels of 45,000 tons which might carry armament even heavier than 8 inches. Were these merchant vessels or not? The committee had established that a submarine should not attack a merchant vessel except in conformity with a resolution which had been adopted. Yet a merchant ship with guns was a war vessel. Might not a cruiser attack such a vessel? This was a point which Senator Schanzer believed should be cleared up. He said that he could not agree that a merchant vessel, even one armed with 6-inch guns, had rights which a surface cruiser must respect. It was aimed to lay down rules for the advantage of a merchant vessel, not of vessels of war. He said that he felt that a declaration was necessary concerning this matter.

Lord Lee said he thought the difference between Senator Schanzer and himself was not really so great as appeared. Senator Schanzer appeared to him, perhaps, to have confused two things. It had been considered absurd to limit the armament of light cruisers and not to impose any limitation on the armament of merchant ships. When this question, which was a purely technical one, came to be discussed, he would be willing to apply the principle that the armed merchant cruiser must not be more powerful than the light cruiser. He understood, however, that Senator Schanzer had said that merchant ships must not be armed at all. That would involve an alteration of international law which the British Empire delegation could not possibly accept.

Senator Schanzer said he did not deny that under the existing rules of international law a merchant vessel might properly carry a limited armament for defensive purposes, but he wished to say that the Italian interpretation of the term "merchant vessel" took into account this limitation. He therefore repeated that the Italian interpretation was in accord with his preceding declaration and with the existing rules of international law.

The chairman stated that he supposed that this subject, which presented endless opportunities for exposition, might be left with the suggestion that, under this resolution, merchant vessels remained as they now stood under the existing rules of law, with all their rights and obligations; that the resolution then undertook to state what might be done by submarines in relation to merchant vessels thus placed. The chairman thought it hardly necessary that the committee should enter into a discussion of the question; although he had no desire to preclude discussion of any sort, yet he hardly thought it necessary to enter into a review of all the rules of international law as to merchant vessels and their rights

and obligations. He assumed that all the representatives present accepted the proposition that merchant vessels, as merchant vessels—a category well known—stood where they were under the law, and that this resolution defined the duties of submarines with respect to them.

The chairman thereupon put resolution I to vote.

The chairman assented on behalf of the United States.

Mr. Balfour assented for the British Empire.

Mr. Sarraut said that the French delegation would give its full adherence to resolution I, but that an interesting discussion had just taken place, the results of which he had not quite understood. He suggested that, If Senator Schanzer's statements were not attached to the resolutions, they should be recorded in the minutes.

The chairman replied that the question was on the adoption of the resolution, and asked whether France assented.

Mr. Sarraut replied that it did.

Senator Schanzer, speaking for Italy, and Mr. Hanihara, speaking for Japan, assented to Resolution I, and the chairman stated that the assent of the United States of America and the British Empire had been given and that Resolution I was unanimously adopted.

The chairman thereupon stated that Resolution II was the second part of the original Resolution I, and read it, as follows:

"The signatory powers invite all other civilized powers to express their assent to the foregoing statement of establishing law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

The chairman asked if the delegates were ready to proceed with the discussion of that resolution. There being no discussion he then asked if the committee was ready for action upon this resolution and said that the United States of America assented.

The other delegations being polled each assented, and the chairman declared Resolution II unanimously adopted.

The chairman then said that the time had come to consider a resolution which had not been submitted to any subcommittee and which had remained in this committee. It had been originally Resolution II, but had become Resolution III, and, as it had not been committed to any subcommittee, he would take the liberty of presenting it for the committee's consideration. In the form in which it had been amended at the last meeting, it read as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the

end that the prohibition of such use shall be universally accepted as a part of the law of nations they declare their assent to such prohibition and invite all other nations to adhere thereto."

Mr. Sarraut then read the following statement:

"The Germans have made war on commerce almost exclusively with their submarines, which were instructed to sink without mercy the merchant vessels of the enemy, with the object of destroying that enemy's commerce.

"The abominable program was made worse by sinking without distinction steamers and hospital ships as well as vessels carrying cargo—neutral as well as those of the enemy.

"These ships were destroyed without the passengers and crew having been first put in a place of safety.

"France has already proclaimed and she has reiterated her denunciation of the barbarous methods thus used contrary to the law of humanity, and she has condemned the pitiless destruction of merchant ships as contrary to international law.

"With these views, the French delegation fully endorses the spirit of Senator Root's resolution and of the amendment proposed by Mr. Balfour.

"But the delegation considers it desirable that the sentiment of condemnation of the methods employed in the last war should be expressed in the resolution, and for this purpose it suggests the addition of the words 'as was done during the last war' at the end of the phrase.

"The first phrase of the resolution would then read as follows:

"The signatory powers recognize the practical impossibility of utilizing submarines as commerce destroyers without violating the rules universally adopted by civilized nations for the protection of the life of neutrals and noncombatants as was done during the last war.'"

The Chairman said that Mr. Sarraut had called attention to the amendment which had been proposed by Mr. Balfour. The resolution, as it had been read a moment before, had not included that amendment and therefore it should be restated; he would, therefore, read Resolution III with the amendment proposed by Mr. Balfour:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere thereto."

That was the resolution before the committee with the amendment suggested by Mr. Balfour. Mr. Sarraut had suggested that it should also embrace a reference to the methods adopted by the Imperial German Government in the last war which had received general condemnation. As he understood it, the resolution with the amendment of Mr. Balfour and the further amendment proposed by Mr. Sarraut would read as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants in the manner that was employed in the last war, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they now accept it as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

The question before the committee was the adoption of this resolution. Before the discussion proceeded, he wished to ask Mr. Sarraut whether the words which Mr. Sarraut desired inserted, to wit, "in the manner that was employed in the last war," were to be inserted at the place which had been indicated.

Mr. Root said that Admiral de Bon and he had worked out a phrase on the exact line of Mr. Sarraut's and he wondered whether it would not meet the purpose. After the word "violating" in the third line the words "as they were violated in the recent war of 1914-1918," should be inserted, so that the resolution would read:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations," etc.

The chairman asked whether this wording was agreeable to Mr. Sarraut.

Mr. Sarraut assented.

The chairman said he would read the complete resolution, so that there would be no question upon what action was being taken.

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as part of the law of nations they now accept it as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

Mr. Balfour said he wished to ask a question in regard to the amendments, now slightly modified, which Mr. Sarraut had proposed and which read as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations," etc.

If that was intended merely as an illustration, it might be wise or unwise; it might be necessary or unnecessary; at any rate used in this manner it could do no harm. It added form and perhaps picturesqueness to the whole resolution. He wished to ask, however, whether it was not possible so to twist the phrase that the article would apply only to German methods. The ingenuity of man for wrongdoing was very great. Was it not unfortunate that the wrongdoers should be hampered only by the methods adopted by the Germans? Would it not be possible for them to say, "It is true we have used our submarines as commerce destroyers, but we have not used them as the Germans did, and consequently we are not violating this resolution." Perhaps the question he asked was oversubtle, but it appeared to be worthy of consideration.

Mr. Root asked whether that question would not be obviated by simply repeating the words "The use of submarines as commerce destroyers" in the place of "of such use"?

Mr. Balfour replied in the affirmative.

The chairman asked whether that amendment was acceptable.

Admiral de Bon said that his reasons, as already stated by Mr. Sarraut, were based upon the fear that the Germans might use the first draft suggested as a pretext to justify some of their actions during the recent war. They might claim that, if the Washington conference took the ground that it was not possible to use submarines otherwise than in contravention of actual international law, they were in a measure absolved. This was the only idea that he had sought to convey. In his opinion there ought to be a full and complete condemnation of these methods. It was for this reason that the French delegation had desired specifically to object to German practices and thus to remove all possibility of their being able to use the resolution in question to justify their conduct.

The chairman asked whether the amendment as suggested was acceptable. The amendment was that the clause "to the end that the prohibition of such use shall be universally accepted as a part of the law of nations" should read "to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations."

The chairman said that the reason he asked whether this was acceptable was that it was an amendment to meet the amendment

suggested by Mr. Sarraut, and therefore really formed part of the amendment in the line suggested, and he thought it would be well to know whether there was any objection to the amplification of Mr. Sarraut's amendment in that manner.

Mr. Sarraut replied that he had no objection.

The chairman said that, in view of what had just been said by Admiral de Bon, it might be well to call attention to the fact that this resolution was not, and did not purport to be, a statement of existing law; it purported to go beyond existing law and to prohibit the use of submarines as commerce destroyers.

Lord Lee asked what was the precise meaning of the term "commerce destroyer." In a recent speech Mr. Root had said that the submarine was unfitted for attacks on commerce. He did not know if "commerce destroyer" was a recognized legal term or whether it included the processes of attack and seizure referred to in the first resolution.

Mr. Root said he believed it covered the whole process. He thought that "commerce destroyer" was a perfectly well-known term.

Lord Lee said that doubts were being expressed in his delegation as to the precise meaning of the phrase "commerce destroyer." He asked whether the term "for seizure or attacks on commerce" would not produce the same effect.

Mr. Root said he thought that if the committee undertook to go into the details of the processes, it would find itself involved in statements which were neither clear nor intelligible to the common mind, and that it really did not accomplish its purpose as well as would be done by the use of perfectly well-known terms, such as "commerce destroyers." He did not think there was any more question about the meaning of that term than was inherent in the use of words in all statutes, constitutions, treaties, contracts, and wills, about which, it was true, the courts in all civilized nations had been for centuries seeking to know what the scope and effect of the terms might be. It was impossible to use any language in such a way that questions could not arise, and the use of a term according to its ordinary use was, he thought, altogether more satisfactory than to try to go into details.

Lord Lee said that it had been suggested by technical experts that in view of the paragraph in the first resolution in regard to putting passengers and crew in safety, the term "commerce destroyer" would apply only to that. If there were any doubts, it was desirable that they should be cleared up.

Senator Lodge said it seemed to him that if the committee began to enumerate the different processes which would be used by any vessel engaged in the destruction of commerce, it would simply be circumlocution, and if the conference once entered on that

course, it might come within the scope of a well-known legal rule, namely, that if a thing was not specified, it was excluded. He thought that when one came to making catalogues one ran a great risk, and that it was better, if possible, to use one general word which, in this case, was merely a descriptive word; it simply described them as "common destroyers." Probably that word was only familiar in the United States, but it was very familiar here, and was used to represent just what submarines had been used for.

Sir Auckland Geddes said that he thought the term "commerce destroyer" was a well-known legal term, but it was also a phrase used in a popular and loose sense. He would suggest that another term, "operations against commerce," would be equally suitable and was less liable to be used loosely. He wondered if that would suit Mr. Root.

The chairman said the suggestion was made that the amendment be as follows; leaving the general term as it now was in the first clause, the second clause, which defined the prohibition, should be made to read as follows:

"and to the end that the prohibition of the use of submarines in operations against merchant vessels shall be universally accepted as a part of the law of nations," etc.

That seemed, he said, to be acceptable as an amendment and in order to avoid any misapprehension, he would read the resolution in its present form, namely:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines in operations against merchant vessels shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

Mr. Hanihara said he desired to be informed with respect to the exact meaning of the term "commerce destroyers." As he had already pointed out in a previous discussion, he believed that the words were intended to apply to vessels suitable for the destruction of merchant shipping. He said that he thought it was also clear that merchant vessels engaged in giving military assistance to the enemy ceased, in fact, to be merchant vessels. There was, however, another point. It seemed apparent that, if the resolution were adopted, it excluded the use of submarines for purposes of blockade. It did not appear to him possible to use submarines for this purpose in conformity with rule 1. Mr. Hanihara then asked whether this interpretation was correct.

Mr. Root said he thought that the prohibition would apply to submarines attacking or seizing or capturing or destroying merchant vessels under any circumstances, so long as the vessel remained a merchant vessel; he also thought it was necessary to have an effective prohibition, to have it so apply. It was merely a question of the use of words. Germany, for instance, declared a blockade of the whole British Channel. One could say "blockade," and the rule would disappear.

Senator Schanzer said that he must decline, in the name of the Italian delegation, the above interpretation. The Italian delegation had accepted Mr. Root's third resolution with the amendments of Mr. Balfour and Mr. Sarraut. He asked that further amendments should not be insisted on. It was necessary for the Italian delegation to declare that it accepted only the original project and the amendments mentioned. It must also confirm, with respect to the question of blockade, that in its view, that question had nothing to do with the destruction of commerce. It was a military process. What if a merchant ship attempted to run a blockade? Was the use of submarines forbidden to prevent this act? In summing up, Senator Schanzer said he accepted Mr. Root's resolution, but he could not accept it without certain reservations in line with those indicated by his Japanese colleague, i. e., that the situation set up by blockade brought into play an entirely different set of principles of international law with respect to merchant vessels.

The chairman said the first question, then, was on the amendment proposed, i. e., that, instead of the words "commerce destroyers" in defining the prohibition, the words should be "the use of submarines in operations against merchant vessels." He understood that Senator Schanzer, on behalf of the Italian delegates, refused assent to that amendment.

Senator Schanzer said that a mistake had been made. Sir Auckland Geddes had just informed him that the term "commerce destroyers" was retained.

The chairman said that the term "commerce destroyers" remained in the second line, but it did not remain in the definition of the prohibition. The definition of the prohibition was as follows, according to the proposed amendment:

"And to the end that the prohibition of the use of submarines in operation against merchant vessels shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

The chairman asked whether that was acceptable to Senator Schanzer.

Senator Schanzer said that he was not satisfied because of the second line of the amendment.

The chairman said that of course the committee was acting only on the principle of unanimity, and therefore this amendment must be considered as defeated.

That brought the committee to the resolution in its original form, with Mr. Balfour's amendment and with the amendment proposed by Mr. Sarraut.

As he understood it, the substitution of the words "submarines for operation against merchant vessels," which referred to "Commerce destroyers," was not acceptable to Senator Schanzer.

He had further understood Senator Schanzer to present a reservation to the effect that the resolution should not apply in the case of a merchant vessel endeavoring to run a blockade. That was the purport of it, as he had understood it.

This matter should be carefully considered and thoroughly understood, because a blockade might be declared of such a general character as to make it impossible for merchant vessels to reach a particular coast; assuming that such a blockade could be effectively maintained by vessels that were regarded as legally used for the purpose of maintaining it, the use of submarines as against merchant vessels endeavoring to run a blockade of that sort would involve a very large activity for submarines as commerce destroyers. That matter should be faced because the value of the resolution might well be doubted, if that reservation was effective.

Senator Schanzer said he did not ignore the fact that during the last war nominal blockades of an absurd character had been declared. He believed that the whole of the United States and all of Italy had been declared blockaded. But under the rules of existing international law, a blockade to be legal must be effective. He did not ask that any exceptions be made to the present rules of international law and he hoped that this would appear in the minutes.

The chairman said that of course the point of effectiveness was very well taken, and he intended to have that clearly stated; but the question remained whether the submarine under the resolution was to have an opportunity to operate as against commerce in case an effective blockade had been declared—a blockade, indeed, made effective by the use of submarines.

Mr. Balfour said he confessed he had listened with considerable misgiving to Senator Schanzer's statement. Senator Schanzer did not wish to break the unanimity with which the second resolution had been accepted, but he had given it a meaning which to his (Mr. Balfour's) mind entirely destroyed its value, and Senator Schanzer had requested that his interpretation of that meaning should receive formal record in the minutes. Mr. Balfour could not imagine that in every respect Senator Schanzer saw the full extent of the proposition which he had laid down.

The chairman had pointed out—he would not say an absurdity—but one very obvious difficulty. Senator Schanzer's opinion was that a submarine could never be used to attack a merchant ship in the case of a blockade, but that it could begin to attack merchant ships as soon as a blockade was effective. It could, therefore, not assist in making a blockade effective; but when other ships had made it effective, it might come in and destroy what the other ships had left undestroyed. That surely was a most impossible position for international law to be placed in. It could not be said that a submarine could be lawfully employed in blockade only when the blockade had already been established by ships other than submarines. That was a theoretical objection to the proposed resolution which he himself would have thought would have been enough by itself to destroy it. He would ask Senator Schanzer to consider how the term "blockade" was now more or less used in international law. He agreed that it was not a probable supposition, but supposing Italy were at war with Germany, either with or without allies, and supposing the Germans declared a blockade upon Italy; they would use their submarines not always close to the coast; he imagined they would choose the Straits of Gibraltar and they would haunt the eastern part of the Mediterranean as well as the Gulf of Lyons and the Adriatic. For himself he could not quite understand Senator Schanzer's point of view. There was no international difficulty that he knew of in declaring all the coast of Italy blockaded. At all events, so long as there was an international law it would have to be tried in international courts. That was not an obvious absurdity on the face of it and, if that were admitted, it seemed to him, that, if Italy could be blockaded, if all the ships carrying merchandise could lawfully be stopped by submarines if they attempted to go to Italy, then he thought that they need trouble themselves no further with attempting to limit the use of submarines. Even after all these regulations were passed, or at all events after the first two were passed, submarines would remain absolutely free, so far as he could see, to work their will in the true German fashion upon every merchant ship which desired to carry to Italy the very necessities of national existence. In these circumstances it seemed to him that their labors on the first two of these resolutions had been practically thrown away, if the matter were left as Senator Schanzer proposed to leave it. He hoped, and indeed he was confident, that the discussion of this question would extricate them from the present position and he hoped that the Italian delegation would on reflection see that, if they sincerely desired—as he was perfectly sure they did—to prevent submarines being used against merchant ships, they would modify in the most important degree and qualify to

an extreme extent the reservation which they had announced their intention to record upon the minutes.

Senator Schanzer said that the Italian delegation was inspired with a spirit of conciliation. He must, however, reply to Mr. Balfour. He did not think that all Italy could be effectively blockaded, as that term was understood in international law. He wished also to have it understood that he had never said that a blockade must first be established by surface vessels and then maintained by submarines. Submarines were military weapons and should be allowed the privileges of military weapons. They might even act in the same way as surface vessels. The entire question of blockade had been brought up by the Japanese delegate. His own delegation merely wished to be fully informed and to act in a conciliatory spirit. If the Japanese delegate withdrew his objections and all the other delegates agreed, the Italian delegation would not prevent the common resolve from being carried into effect.

Mr. Hanihara said that he had made his previous inquiry in order to be informed with respect to "commerce destroyers" and the use of submarines for the purposes of blockade. He had not, however, intended to enter any objection to the prohibition of the use of submarines for blockade.

The chairman said that he understood that, in the light of the statement by Mr. Hanihara Senator Schanzer would withdraw his suggestion as to the limitation of the prohibition, and he assumed that the resolution would then be acceptable to all the powers represented on the committee.

The chairman asked whether the committee would now act upon the resolution in the following form:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto."

The delegations, being polled, each assented in turn and the chairman declared Resolution III unanimously adopted.

Lord Lee said he would like to express to Mr. Sarraut and Admiral de Bon his sincere appreciation of the statements they made the other day in repudiating the writings of Capt. Castex. He accepted their explanation, as given on behalf of the Government, with all his heart and wished to assure them personally that the matter had passed completely from his mind.

Mr. Sarraut replied that he had noted with sincere satisfaction the statement that Lord Lee had just made and he could only express regret that Lord Lee had not given the French delegation an earlier opportunity to express their sentiments by informing them in advance of the references that he intended to make to the entirely personal views of a naval officer who could, under any circumstances, only speak for himself and on his own responsibility without assuming in the slightest degree to express the views of the French Admiralty.

It gratified Mr. Sarraut to hear the statements of Lord Lee at the moment when the French delegation had just given their assent to a resolution containing a clause which bound together all the powers represented on the committee by prohibiting the use against each other of certain weapons which France, at least, had never thought of directing against her friends, a clause to which the French delegation subscribed with especial willingness.

Mr. Sarraut hoped that this interchange of statements would do away with certain misunderstandings and assist in clearing the atmosphere which, outside of this hall, had been befogged, and thus facilitate the establishment of a durable peace on earth—the work which all present had most deeply at heart and the consummation of which was their highest aspiration.

The chairman said that he was sure that all would be deeply gratified to have spread upon the minutes the statement made by Lord Lee and the response which had been made by Mr. Sarraut; these statements, which showed a mutual appreciation of the sentiments that were cherished by both, would greatly aid the committee as it continued its efforts to bring about results which would greatly promote not only the economic administration of the respective governments, but a better understanding and an enduring peace among their peoples.

He assumed that the committee might not care to have all the discussions that had taken place over various legal and other questions appear in the communiqué. There was, of course, no objection to it, if it was desired. Possibly it would be sufficient to say that these resolutions, now numbering three, were presented, discussed, and adopted. General assent was expressed.

The committee then adjourned until Friday, January 6, 1922, at 11 a. m.

SIXTEENTH MEETING—FRIDAY, JANUARY 6, 1922, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, (for Canada), Sir Robert Borden, (for Australia), Senator Pearce, (for New Zealand), Sir John Salmond, (for India), Mr. Sastri. Accompanied by Sir Maurice Hankey, Capt. Domvile, Mr. Knowles, Mr. Flint.

France.—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Tachi, Mr. Sugimura, Mr. Ichihashi, Mr. Shiratori.

The Secretary General. Assisted by Mr. Pierrepont and Mr. Paul. Mr. Camerlynck (interpreter).

1. The sixteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Friday morning, January 6, 1922, at 11 a. m.

2. There were present: For the United States of America, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes; Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisors were present: For the United States of America, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domvile, Mr. Knowles, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Mr. Tachi, Mr. Sugimura, Mr. Ichihashi, Mr. Shiratori.

The secretary-general of the conference, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck (interpreter) was also present.

The chairman, Mr. Hughes, said that the committee would proceed with the discussion of the use of submarines in warfare, and placed before the committee the final resolution presenting this question, mentioning that it was originally the third resolution presented by Mr. Root, but was now designated as No. 4. He then read the resolution, as follows:

“The signatory powers, desiring to insure the enforcement of the humane rules declared by them with respect to the prohibition

of the use of submarines in warfare, further declare that any person in the service of any of the powers adopting these rules who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any such powers within the jurisdiction of which he may be found."

Senator Schanzer said that the Italian delegation, while associating itself completely with the condemnation of submarine warfare methods as expressed in the resolutions which had already been approved, and also agreeing in principle with the resolution now being discussed, felt called on to point out that while the rules reconfirmed in the first resolution, approved yesterday, concerned both submarines and surface craft, thus strengthening principles which corresponded to rules of existing international law, the new resolution proposed contained sanctions the exceptional gravity of which might appear justified, but which it was desired to apply only to submarines.

The Italian delegation could not accept the resolution under discussion except on the condition that the principle therein expressed should not be limited solely to the crews of submarines, but extended to all the cases contemplated by the first resolution, and therefore also to the crews of surface vessels. The Italian delegation proposed that the resolution should be modified in this sense and that the identical sanctions should be applied to officers and crews of all ships, without distinction, who should infringe the rules contemplated in the first resolution.

He did not doubt that the spirit in which the Italian delegation had proposed this amendment would be appreciated by everybody, for it tended in no way to weaken the strength of the resolution, but, on the contrary, to augment it, and was inspired by an evident principle of justice and equity. In fact, it was not admissible that the commander of a submarine should be condemned as guilty of a determined act while the commander of a surface vessel would not be submitted to trial in an identical case.

He was sure that all the delegations would recognize the equity of the Italian proposal, which constituted, as a matter of fact, the indispensable condition for the acceptance by the Italian delegation of the resolution proposed by Mr. Root.

Senator Pearce said that he did not propose at this juncture to discuss the amendment suggested by Senator Schanzer, but he rose to bring before the committee again, in order that it might be discussed at the same time, the amendment which he previously suggested as to whether if the clause under consideration were to be adopted as a whole it should not be made to apply not

only to the powers that adopted these rules but also to other powers not represented at the conference. It seemed to him that the object of bringing forward the declaration was to obtain for it universal acceptance and application. It might, however, be possible that one or two powers might not adhere to the rule. Was it to be considered that in the unhappy event of a power which adopted the rule going to war with a power which did not adhere to it the power which adopted the rule should be bound by the rule, while the other power should be free to give orders for the sinking of merchant ships, and that the officers of the latter power should be free from the penalties set out merely because the power had not adhered? If his amendment, that the words "adopting these rules" should be omitted, were accepted, the rule would become universal in its application.

Mr. Balfour suggested that Senator Pearce should move to omit the words "in the service of any power adopting these rules."

Senator Pearce accepted the suggestion of Mr. Balfour and intimated that he considered that the rule as proposed to be amended would be a notification to the world at large. He ventured to say that if the rule was amended as he suggested it would be rather an inducement to powers to adhere. But if there was any power not represented at the conference that wished to have an unrestricted use of submarines against merchant ships it would be encouraged not to give its adherence to the rule if it were left in its present form. In that case not only would such a power not be bound by the rule, but its officers would be free from punishment. He pointed out that at the Versailles Conference the powers took up the attitude that the submarine commanders who had violated these laws were liable, and they demanded that they should be tried by a court set up by the Allies. Although that was not obtained, some of the commanders had been tried by the German court sitting at Leipzig. Thus, although the declaration before the committee was not in existence before the war, the Allies said that these submarine commanders should be tried as pirates for the offenses that they had committed, and, as he had mentioned, some of them had been tried. If therefore the committee adopted a declaration in the form originally suggested, it would not even be in keeping with what the powers had done at Versailles. He suggested therefore that the declaration if adopted should be made universal in its application.

The chairman said that these amendments brought before the committee two distinct questions. Quite apart from the specific phraseology which might finally be adopted, there were two distinct questions presented which, perhaps, might be considered separately. Senator Schanzer's amendment related to two matters, first, the broadening of the provision so as to embrace all

ships of any class or description; second, the broadening of the provision as to individuals so as to embrace persons belonging to the crew, specifically, as well as officers.

Senator Pearce's amendment provided for the application of the resolution to all powers, and not simply to the powers adopting these rules.

Unless the committee desired a different course, the chairman thought that, in order to bring the discussion to a point, these matters could be dealt with, and should be dealt with, separately. He suggested that they take up Senator Pearce's amendment, that the words "in the service of any power adopting these rules" should be omitted, so as to broaden the provision to apply to all powers, and asked if discussion of that amendment was desired.

Sir John Salmond suggested that before discussing the amendment it might clarify the situation if he were to ask a question, namely, as to whether Resolution IV referred to the humane rules decided on by the powers with reference to the action of submarines, or to the prohibition of submarines provided for in the third resolution. The first resolution, Sir John Salmond said, referred to existing law and laid down rules for the conduct of submarines, restricting but not prohibiting their use. The third resolution, which was passed yesterday, was a new rule prohibiting the action of submarines against commerce. He assumed that the fourth resolution referred to the first and not to the third resolution. The rules in the first resolution were provided to prevent a gross abuse of submarines, whereas the rules in the third resolution were against the use of submarines altogether. He assumed that it was not intended to brand this as an act of piracy. He suggested therefore that some clarifying words should be introduced in the fourth resolution to show what was intended.

The chairman said that, in answering Sir John Salmond's question, it was understood that the rules the violations of which were to be deemed acts of piracy were rules of law. It would be difficult to maintain the position that an act of piracy had been committed in the manner stated unless it was a violation of rules of law. They had set forth, in the first resolution adopted, the existing law, and he assumed that the humane rules referred to in the fourth resolution were the rules of law set forth in the first resolution. He also assumed, subject to correction if a different intention had been entertained, that the third resolution proposed an amendment of law, as distinct from the immediate agreement of the five powers here represented. When that amendment should be adopted, there would be a new rule of law, and he supposed that it was the intention to characterize the violation of that rule of law, if it became a rule of law, in the same manner; but for the present the committee were dealing with the humane

rules declared in the first resolution, since those were the only rules of law at present operative.

The chairman then asked the committee if it was their desire to proceed at once to a discussion of Senator Pearce's amendment, which was to the effect that this declaration should apply not simply to the five powers here acting, but to all the powers, and asked if there was any objection to that amendment. He said that this was not a question on the resolution. Assent to this amendment did not involve approval of the resolution, but merely the acceptance of the amendment to present the resolution for consideration in the amended form.

Mr. Root said he thought Senator Pearce's amendment raised very clearly a somewhat difficult question involved in their action and developed a little confusion between the two classes of rules with which they were dealing. The first set of rules, the rules in Article I, were rules of existing law, and he thought they were competent to make a declaration about those without any limitation, following Senator Pearce's suggestion. They were competent to make a declaration that would characterize a violation of the existing law of nations as being a crime which should subject the violator to punishment; they were competent to declare that those who violated the laws of war were guilty of acts of piracy. They were not making law, they were making a declaration regarding existing law, and that necessitated no limitation at all to the powers that were here.

The next resolution, which forbade the use of submarines as commerce destroyers, that was to say, forbade submarines attacking merchant ships, and which if it were to become a part of the law of nations would supersede these other rules so far as submarines were concerned—but which would not supersede them until it had become a part of the law of nations—was an entirely different proposition. It certainly was not competent for them to make an agreement between the five powers here that would produce the effect of a law of nations, upon which they could denounce a punishment as for piracy.

Now, there were several ways to avoid that confusion, which he thought did not exist in the original resolution. One way would be to limit the resolution to the existing rules of law, and there was no reason why they should put in the descriptive words "of the powers now present."

There was another way which he thought would meet Senator Pearce's proposal, and he was inclined to think that it also disposed of Senator Schanzer's suggestion. It would satisfy the purpose that underlay Senator Schanzer's suggestion, and would include both, but would discriminate between the contractual stage of the provision against use of submarines as commerce destroyers and its eventual status after it had become established

and had become a rule of international law. Until it had become a rule of international law they had to limit what they did to their contracts between themselves. They could not treat the rule as if it were a rule of law; after it had been accepted then it would come under the same basis as the first one.

He had jotted down a suggestion or two, rather to define his own ideas about it than to offer it; but he would like to see how it met the views of his colleagues around the table.

Mr. Root then read:

"The signatory powers desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships and the enforcement of the prohibition against the use of submarines as commerce destroyers after that prohibition shall have been accepted as a part of the law of nations, further declare that any person in the service of any power who shall violate any of the rules thus adopted"—

Mr. Root here mentioned that that would include everything that Senator Schanzer wanted, and then continued reading:

"Any person in the service of any power who shall violate any of the rules thus adopted——"

That was to say, Mr. Root explained, the existing rules and this special rule of prohibition against submarines after it should have been adopted——

"whether or not such person is under orders of a governmental superior, shall be deemed to have violated the rules of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found."

Sir Robert Borden asked that Mr. Root, before resuming his seat, inform him whether the proposal which he had made took into account the fact that Rule III took effect at once as between the five powers represented at the conference.

Mr. Root answered that it was only a contractual obligation; it was not a rule of law upon which they could denounce punishment. This last resolution which they were then talking about denounces a punishment and that can not apply except for a violation of the rules of law.

The proposed amendment, he said, aimed to deal with the suggestion made by Senator Pearce and was also aimed to deal in part with the suggestion made by Senator Schanzer. In order, however, to avoid mingling two distinct things in the discussion, he wished to call attention to the fact that it did not deal with the suggestion of Senator Schanzer as to the application of the resolution to all ships. He suggested that merely to preserve that suggestion for a later discussion while the committee proceeded to deal with the form of the resolution in its present ap-

plication to submarines. The amendment desired could be presented later. He meant merely that this was an amendment dealing with the other phases of the suggestions made. The resolution in its amended form—that is, in the form proposed—read as follows:

“The signatory power, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, and the enforcement of the prohibition against the use of submarines as commerce destroyers, after that prohibition shall have been accepted as a part of the law of nations, further declare that any person in the service of any power who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.”

The chairman asked whether this resolution was in a form now acceptable upon the question of the application to all the powers in the light of the different aspects presented by the existing rules of law and the proposed amendments to the existing rules of law.

Senator Schanzer said he wished to thank Mr. Root for his explanation. With the proposed amendment, he felt he could accept the resolution in principle, though he would like to examine the written text before speaking more definitely. He wished to say that Senator Pearce's amendment served to support his suggestion that vessels of all classes be included in the scope of the resolution. If he had understood it correctly, the new formula would satisfy the wishes of the Italian Government.

Sir John Salmond said he did not wish to raise any objection to Senator Schanzer, or Senator Pearce's amendments. The amended resolutions just proposed by Mr. Root, however, went further and extended its scope to include the prohibitions agreed to in Resolution III on the previous day as soon as those prohibitions became international law. There was, however, no particular moment at which it could be stated that a declaration of this kind had become international law. International law was created progressively by the adherence of one power after another. It was impossible to say that on any particular day the rule had become part of international law so that a submarine commander would know whether he was liable to be treated as a pirate. He therefore suggested the limitation of Resolution IV to the rules laid down in Resolution I. It was fit and proper that a breach of these rules should be branded as a crime; but to say

that breaches of new rules only just established between the five powers should be branded as piracy would, he thought, not meet with public approval. He would therefore suggest that Resolution IV should be confined to a statement that the signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to the use of submarines in warfare, further declare that any person violating those rules shall be liable to trial and punishment as if for an act of piracy. Further, he would propose to insert this rule immediately after the present Resolution II.

The Chairman said that Sir John Salmond's amendment was, first, that the resolution in the form which he suggested (and now numbered IV) should be a part of resolution II. Coming at the end of resolution II as now adopted, it was proposed that the resolution read as follows:

"The signatory powers desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found."

He then asked if the amendment was accepted.

Mr. Root said that he hoped Sir John Salmond would, before pressing his amendment, abandon the idea of making it a paragraph of the present Article 2 and make it a separate paragraph.

Sir John Salmond said that this was what he had intended.

Mr. Root said there was a distinct idea in the subcommittee's article which was referred to by Mr. Balfour the other evening, and the two should not be confused.

The chairman asked whether, with this, it was acceptable.

Mr. Root said that he was quite satisfied with it.

The chairman said that the proposal of Sir John Salmond, with the modification suggested by Mr. Root, was that this article should appear as the third article in the series of resolutions adopted; and that, he assumed, would carry the point that the article which had been adopted as number III would not become Article IV.

The chairman then asked if the committee was ready to proceed to action upon that resolution.

Senator Schanzer said that he accepted in the name of the Italian delegation the new formula as worked out by Mr. Root and Sir John Salmond, which gives entire satisfaction, as its

wording has the effect to extend the sanctions of trial and punishment to all persons violating the rules of law laid down in the first resolution, without distinction.

The chairman asked whether any further discussion was desired. No reply being made, he said that the matter would be put to vote; whereupon the delegations of the United States of America, the British Empire, France, and Italy assented.

Mr. Hanihara said that before speaking for the Japanese delegation he would like to be enlightened as to the exact meaning of the words "punished as if for an act of piracy."

The chairman said he assumed the phrase to mean that violation of the laws of war thus declared should be created as amounting to an act of piracy and that the person violating the laws would be subject to punishment accordingly.

Mr. Root interposed that such a person would not be subject to the limitations of territorial jurisdiction. The peculiarity about piracy was that, though the act was done on the high seas and not under the jurisdiction of any particular country, nevertheless it could be punished in any country. That was the really important point.

The chairman asked whether the Japanese delegation assented. Baron Kato replied in the affirmative.

The chairman then stated that the resolution was unanimously adopted. He assumed that that closed the discussion upon the subject of submarines.

He now desired to bring to the attention of the committee the question of the use of gases, or what has been called chemical warfare. The committee would recall that a subcommittee, composed of members representing the five powers, had been appointed to consider this question. He was advised that this committee agreed—their memorandum stated "more or less unanimously"—on certain points. He would read their memorandum, stating the points thus agreed upon:

"The committee agreed more or less unanimously on the following points:

"(a) Chemical warfare gases have such power against unprepared armies that no nation dare risk entering into an agreement which an unscrupulous enemy might break if he found his opponents unprepared to use gases both offensively and defensively.

"(b) Since many high explosives produce warfare gases or gases which are the same in their effects on men, any attempt to forbid the use of warfare gases would cause misunderstandings at once in war—that is, one or both sides would in the first battle find men dead or injured from gas. The doubt would at once arise whether gas is actually being used as such or whether the casualties were due to high explosive gases. This could be made

the excuse to launch a heavy attack with warfare gases in every form.

“(c) Research which may discover additional warfare gases can not be prohibited, restricted, or supervised.

“(d) Due to the increasing large peace-time use of several warfare gases, it is impossible to restrict the manufacture of any particular gas or gases. Some of the delegates thought that proper laws might limit the quantities of certain gases to be manufactured. The majority opinion was against the practicability of even such prohibition.

“(e) It is possible to confine the action of chemical-warfare gases the same as high explosives and other means of carrying on war. The language used in this connection was that ‘it is possible, but with greater difficulty.’ On this question, as in the case of (f) and (g) following, it was evident that among the representatives of the three nations thoroughly acquainted with chemical-warfare gases, namely, the United States, Great Britain, and France, there was less doubt as to the ability to confine these gases than among the Japanese and Italians, who know less about them.

“(f) The kinds of gases and their effects on human beings can not be taken as a basis for limitation. In other words, the committee felt that the only limitation practicable is to wholly prohibit the use of gases against cities and other large bodies of noncombatants in the same manner as high explosives may be limited, but that there could be no limitation on their use against the armed forces of the enemy, ashore or afloat.

“(g) The committee was divided on the question as to whether or not warfare gases from a method of warfare similar to other methods, such as shrapnel, machine guns, rifle, bayonet, high explosives, airplane bombs, hand grenades, and similar older methods. In this, as in (e) and (f), the United States, Great Britain, and French members (five in number), who know gas, were emphatic that chemical-warfare gases form a method of waging war similar to the older forms.”

The chairman then said that he desired to read, on behalf of the American delegation, the report adopted by the advisory committee of the American delegation, to the constitution of which he had already referred. This report had been adopted by the advisory committee upon the recommendation of its subcommittee which had dealt with new agencies of warfare. The report was as follows:

“The committee (of the advisory committee) on new agencies of warfare having had a number of meetings, one conjointly with the committee (of the advisory committee) on land armaments, has the honor to report that it has given careful consideration to the subject referred to it. Chemical warfare, which is the scien-

tific term to cover use of gases in all of their forms, reached very important and significant phases during the World War. The surprise of the first gas attack on the British forces at Ypres shocked the civilized world, but its military effectiveness caused the allied Governments at once to take measures not only of protection against gas attacks but also offensive action. In consequence, at the close of the war, the use of poison gases, not only temporarily injurious but of toxic character, became universal.

"The committee has found on consultation with experts and reference to scientific study of the subject that there are arguments in favor of the use of gas which ought to be considered.

"The proportion of deaths from their use when not of a toxic character is much less than from the use of other weapons of warfare. On the other hand, the committee feels that there can be no actual restraint of the use by combatants of this new agency of warfare, if it is permitted in any guise. The frightful consequences of the use of toxic gases if dropped from airplanes on cities stagger the imagination. No military necessity can excuse or extenuate such events as were of frequent occurrence during the recent war when bombs were dropped on undefended and thickly populated cities, towns, and villages for no other purpose apparently than to demoralize the population. If lethal gases were used in such bombs it might well be that such permanent and serious damage would be done, not only of a material character, but in the depopulation of large sections of the country as to threaten, if not destroy, all that has been gained during the painful centuries of the past.

"The committee is of opinion that the conscience of the American people has been profoundly shocked by the savage use of scientific discoveries for destruction rather than for construction.

"The meeting of the Conference on the Limitation of Armament in the City of Washington affords a peculiarly advantageous opportunity for comparison of views on all questions bearing on the subject. Whatever may be the arguments of technical experts, the committee feels that the American representatives would not be doing their duty in expressing the conscience of the American people were they to fail in insisting upon the total abolition of chemical warfare, whether in the Army or the Navy, whether against combatant or noncombatant. Should the United States assume this position, it would be no evidence of weakness but of magnanimity. Probably no nation is better equipped by reason of scientific knowledge among its technicians and by means of its material resources to use chemical warfare effectively. This committee, therefore, submits the following resolution for adoption by the advisory board and to be communicated to the American delegates to the Conference on the Limitation of Armament:

Resolved, That chemical warfare, including the use of gases, whether toxic or nontoxic, should be prohibited by international agreement, and should be classed with such unfair methods of warfare as poisoning wells, introducing germs of disease, and other methods that are abhorrent in modern warfare."

The chairman observed that the foregoing resolution, as he had said, was submitted to the advisory committee of the American delegation by its subcommittee and, he was advised, was unanimously adopted by the advisory committee.

The committee would observe that in this report reference was made to the fact that the subcommittee reporting had held a meeting jointly with a committee of the advisory committee which dealt with the subject of land armament. He had been furnished by the advisory committee with a copy of the report of its subcommittee on land armament, this report having been unanimously adopted by the advisory committee. It contained the following recommendation with regard to chemical warfare:

"Chemical warfare should be abolished among nations, as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of humanity."

The chairman pointed out that this report was signed by Gen. John J. Pershing, as chairman of the subcommittee on land armament of the advisory committee, and it had been adopted by the advisory committee.

Continuing, the chairman said that in view of the reference to a difference of opinion among experts, and especially in view of the statement contained in the findings of the subcommittee of this committee of the conference, he desired to read, for the information of this committee, a report by the General Board of the United States Navy upon this question of the prohibition of gas warfare. This report had been submitted to the American delegates.

"Question. Should gas warfare be prohibited?

"Answer. Yes.

"Comment: The United States would undoubtedly give up a material advantage if gas warfare were abolished. The resources and scientific development of this country place it in the front rank of nations in the ability to wage efficient gas warfare and insure an adequate supply of special gases. Nevertheless, its abolition would be popular in this country, even though its effectiveness as a weapon in war has been clearly proved when employed under special conditions.

"2. The tendency of rules of modern warfare is toward restraint in the employment of weapons that produce unnecessary suffering. The limitations in the employment of the different weapons have that end in view. The dum-dum bullet and the explosive bullet

are well-known examples. Following this general principle, gases which produce unnecessary suffering should be prohibited.

"3. Gas warfare has a peculiar quality different from any method heretofore employed, in that though directed toward a particular target its destructive effect is not limited to that target, but passes beyond control of the belligerent agent and may involve a sacrifice of innocent lives over a wide area. On account of this peculiarity the use of gas which causes death is objectionable because not only the combatant is killed, a perfectly legitimate target, but many noncombatants may also be victims, and these innocent persons may deliberately be made the objects of gas attack by unscrupulous belligerents. Lethal gases should therefore be prohibited.

"4. The two principles in warfare, (1) that unnecessary suffering in the destruction of combatants should be avoided, (2) that innocent noncombatants should not be destroyed, have been accepted by the civilized world for more than 100 years. The use of gases in warfare in so far as they violate these two principles is almost universally condemned to-day, despite its practice for a certain period during the World War.

"5. Certain gases, for example, tear gas, could be used without violating the two principles above cited. Other gases will, no doubt, be invented which could be so employed; but there will be great difficulty in a clear and definite demarcation between the lethal gases and those which produce unnecessary suffering as distinguished from those gases which simply disable temporarily. Among the gases existing to-day there is undoubtedly a difference of opinion as to which class certain gases belong. Moreover, the diffusion of all these gases is practically beyond control and many innocent noncombatants would share in the suffering of the war, even if the result did not produce death or a permanent disability.

"6. The General Board foresees great difficulty in clearly limiting gases so as to avoid unnecessary suffering in gas warfare and in enforcing rules which will avert suffering or the possible destruction of innocent lives of noncombatants, including women and children. Gas warfare threatens to become so efficient as to endanger the very existence of civilization.

"7. The General Board believes it to be sound policy to prohibit gas warfare in every form and against every objective, and so recommends.

"(Signed) W. L. RODGERS."

The chairman thought it was hardly necessary to add anything to these comprehensive statements with respect to the use of gases in warfare. He said that despite the conclusions reached by the subcommittee of this committee and set forth in the report which he had read, the American delegation, in the light of the advice of its advisory committee and the concurrence in that

advice of General Pershing, the head of the American land forces, and of the specific recommendation of the General Board of the Navy, felt that it should present the recommendation that the use of asphyxiating or poison gas be absolutely prohibited. He would ask Mr. Root to present the resolution.

Mr. Sarraut said that the hour was late; in order not to weary the interpreter unduly he suggested that the committee adjourn and that copies of the documents read by the chairman be circulated among the various delegations for their consideration before the next meeting.

The chairman said that he felt sure it would be quite agreeable to all present to postpone the translation; but he suggested that Mr. Root should present the resolution before the adjournment of the committee.

Mr. Root said that the chairman had asked him to prepare this resolution, pursuant to the recommendation of those military and naval authorities and advisory committees to which the American delegation was bound to pay the highest respect. There was an expression on this subject which presented the most extraordinary consensus of opinion that one could well find upon any international subject. He had drafted the resolution which he would present in a moment in the language of the treaty of Versailles which was subscribed to by four of the five powers here and was appropriated and taken over by the United States and Germany in the treaty concluded between them on the 25th of August last and was repeated in the treaty of St. Germain between the same powers and Austria, and again in the treaty of Neuilly of the same powers with Bulgaria, and again in the treaty of the Trianon with Hungary, and taken over and homologated by the United States in its treaty with Austria and its treaty with Hungary and repeated again in the treaty of Serves. He read from article 171 of the treaty of Versailles, which says:

"The use of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden in Germany. The same applies to materials specially intended for the manufacture, storage, and use of the said products or devices."

That declaration of prohibition against the use of poisonous gases be understood to be a statement of the previous rules which had been adopted during the course of The Hague conferences; and, without undertaking to question or to inquire into it, it stood as a declaration of all the countries here represented that that is prohibited. And accordingly, following the language of the treaty, the language which all had adopted, he would present the resolution:

"The use in war of asphyxiating, poisonous, or analogous liquids or other gases and all materials or devices, having been justly con-

demned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties—

“Now, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound thereby between themselves, and invite all other civilized nations to adhere thereto.”

In these various treaties there were, Mr. Root thought, between 30 and 40 powers which had assented to the statements of the prohibition of these practices, so that there was not much further to go in securing that general consent which changes a rule from contract to law.

Senator Schanzer said that it was with a deep feeling of satisfaction that the Italian delegation welcomed the statements made by the chairman. The Italian representatives in the subcommittee had had the honor of being the first to propose the abolition of poisonous gases as weapons of warfare. Therefore he could only heartily indorse the American proposal which, if accepted—and this would no doubt be the case—would constitute one of the greatest claims to honor of the conference and a real step in the path of progress and civilization.

Mr. Balfour said that he associated himself with the view to which he understood the chairman had agreed, that all documents of this nature should be circulated as soon as possible. There was one about which there appeared to be some misunderstanding. It was a report of the committee with respect to poison gas. A report on this subject had been circulated to the British delegation, but not to anybody else and, though it might be similar in substance to the report which the chairman had read, it differed in length and in phraseology. He suggested, therefore, that they had both better be circulated. He took this opportunity of expressing his view that it would be better if documents containing reports of subcommittees should be circulated a little sooner than they were. As an instance, he wished to mention the report of the subcommittee on aircraft. He suggested that that report should be circulated at once.

The chairman said that the matter was not presented now for discussion because these documents must be circulated and an opportunity accorded to study them. He wished to say that the report presented by Mr. Balfour had not been brought to the attention of the chairman. He knew nothing about it, and a hasty glance at it did not indicate that it differed in substance, although it did differ strikingly in language, from the memorandum of conclusions reached by the subcommittee which he had read. He assumed that it did emanate from the subcommittee, and as the del-

legates should possess all information presented to the committee, he assumed there was no objection to its being circulated.

The chairman said he feared it would not be possible to get all these reports circulated in time to be examined and discussed that afternoon, and if it was thought best the committee might adjourn until the next morning.

Accordingly, the meeting was adjourned until Saturday, January 7, 1922, at 11 o'clock a. m.

SEVENTEENTH MEETING—SATURDAY, JANUARY 7, 1922, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Mousley, Col. Day, Mr. Flint.

France.—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Col. Asinari di Bernezzo.

Japan.—Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi, Mr. Shiratori, Mr. Sugimura.

The secretary general. Assisted by Mr. Cresson and Mr. Osborne. Mr. Camerlynck, interpreter.

1. The seventeenth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Saturday, January 7, 1922, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisors were present as follows: For the United States, Mr. Wright, Mr. Clark; for the British

Empire, Sir Maurice Hankey, Capt. Domville, Mr. Mousley, Col. Day, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odendhal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Col. Asinari di Bernezzo; for Japan, Mr. Ichihashi, Mr. Shiratori, Mr. Sugimura. The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck was present as interpreter.

The chairman, Mr. Hughes, at the opening of the meeting, recognized Prince Tokugawa.

Prince Tokugawa said that it was for an unpleasant purpose that he arose to say a word. As some of the committee already knew, he was about to take his leave of the conference; he was starting that afternoon on his return journey to Tokyo to resume his responsibilities in Parliament, which had already convened.

It was needless for him to say how greatly he appreciated the courtesies which had been accorded to him by all the delegates and for their cooperation in the work of the conference. That work had already achieved remarkable success and, as was known, its full list of accomplishments was not yet completed.

In bidding to the members of the committee adieu, he wished to say that he would always remember with gratification and pride the unique privilege which he had had of sitting with them and would be delighted whenever their and his paths might cross again.

The chairman said he was sure the members of the committee would all deeply regret that Prince Tokugawa had to leave them. They were indebted to him for his cooperation and he might be assured of their abiding affection and esteem. He was leaving the most pleasant memories of his association with them in this important work and the contribution that he had made personally to the success of their efforts.

The chairman then suggested that the committee proceed with the consideration of the resolution which had been presented with respect to the abolition of the use of asphyxiating and other poisonous gases in warfare. He then read the resolution, as follows:

"The use in war of asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties;

"Now, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound thereby between themselves, and invite all other civilized nations to adhere thereto."

Mr. Sarraut said he rose to express his full and frank adherence to Mr. Root's resolution. From the first France had condemned the barbarous inventions and the abominable practices introduced by Germany in the late war and the new methods consisting in the use of gases, burning liquids, and poisonous substances; the first thing the committee should do was officially and solemnly to denounce those who had taken the initiative in these things. All present should hope and work for the final disappearance from warfare of these infamous practices if, indeed, other wars were to come—a thought which, he said, was abhorrent to him.

This might, no doubt, be accomplished by setting an example to the other countries. The reports of experts who had maturely considered the question had indeed pointed out the extreme difficulty, if not impossibility, of taking practical precautions against the threat and the use of these poison gases and these chemicals. It was an established and indisputable fact that those chemicals which were used in the manufacture of gases and poisons were the same that were used for innumerable ordinary substances necessary to the industrial and peaceful life of the human race.

The reports of experts had established the impossibility of exercising an effective supervision over the production of gases which might be used as weapons of war and hence the impossibility of preventing or limiting such production. This entailed, as a logical consequence, the impossibility of preventing any country from arming itself in advance against the unfair use of those gases which an unscrupulous enemy might secretly prepare for sudden use upon an unprotected enemy, as had been done during the late war.

But, if the exercise of authority in the matter did not at the moment appear practicable, the Root resolution was none the less a useful accomplishment because, in the first place, it would be a bond of union between the Powers here represented and, further, because their agreement and their example might be such as to bring about the adherence of all the nations to the same principles. It was necessary, indeed, that this adherence should be unanimous in order that an effective and salutary result might be obtained. But, in the meantime, the conference would have presented a great example possessing a not inconsiderable persuasive power, thus possibly preventing the repetition of certain atrocities committed by certain belligerents during the late war. It was with this lofty and humane motive that the French delegation subscribed with all its heart to the Root resolution.

Mr. Balfour said that as he understood the matter, the proposal before the meeting was the reaffirmation of the admitted principles of international law. In that sense there was nothing new in the proposals made by Mr. Root. Indeed, on the very

face of the document itself, it was pointed out that the greater number of nations, in the various treaties which they had made subsequent to the armistice, had explicitly or implicitly declared that, in their view, the present proposal was already part of the accepted law of nations. He believed that the United States of America, who had not ratified those treaties, had made separate treaties; but in those treaties also they had by implication affirmed the present proposal as part of the general law. Moreover, he remembered that in March, 1918, a declaration had been made by all the allied and associated powers, in response to an appeal made to them by the Red Cross Society, in which in explicit terms they had laid down the same doctrine. Behind all those formal acts there had been the findings of the two Hague conferences which, although so far as he was aware were not ratified by the United States of America, were accepted by all the other powers engaged in those conferences, undoubtedly with the sympathy although not with the explicit ratification of America. Therefore, he supposed he was right in saying that the document before them neither made nor professed to make any change in international law.

It would be interesting to compare the procedure on this point with that which had been adopted with regard to submarines. There also they had declared in very clear terms what they conceive to be the law, and what undoubtedly was the law of nations as regards attacks on merchant ships by ships of war. In that case they went further than it was now proposed to do, and further than it was possible to go now, for they had made an alteration and had proposed an extension of the law of nations. They had agreed among themselves to be bound by regulations which were in advance of the actual law of nations; and they had also altered the sanctions which lay behind the law of nations, in that they introduced the fourth of Mr. Root's clauses which would convict the individuals who broke the law as guilty of piracy. So that in dealing with submarines they had gone a good deal further than was practicable in the present case. They could now do no more than reaffirm the law. It might be asked in the first case what was the use of merely coming forward and reaffirming what nobody denied? Personally he thought such a course was important and valuable, if all the lamentable occurrences of the late war and all the developments which that war caused in the use of noxious gases were taken into account.

Of course, they must all admit, as Mr. Sarraut had well pointed out, that a mere affirmation of the law without adding any sanctions to it would not relieve the nations of the world from taking precautions against those who were prepared to break the law; and who, if they were allowed to do so with impunity, might dominate the world by the mere indifference they showed to the laws

which the world had endeavored to lay down. That was what had actually occurred in 1915. In 1915, as in 1922, the present proposal was the law of nations; and, because it was the law of nations, no nation but one had taken any steps toward using noxious gases, or had contemplated as part of their possible military operation that such gases should be used either by themselves or by their enemies. The result had been very near to a complete disaster for the Allied armies. The shock of that new weapon of warfare had been wholly local, for the invention of science came to the rescue, and finally the Allies and their unscrupulous enemy fought out the war on equal terms. That example unhappily was now before them and could not be ignored. Their specialists had pointed out in Washington, and an examination by a committee of the League of Nations had brought out a similar result at Geneva, that it was perfectly impossible so to arrange matters that a nation bent upon doing so should not in times of peace—whatever the rules of war might be—make such preparations as would enable it to use that monstrous and inhuman method of warfare at its will if war broke out. They knew that at least one great civilized nation had not thought it improper, or at all events had chosen, whether proper or not, to break the law of nations. That wretched example might unhappily be followed in the future; and therefore no nation could forget that it was open to attack by unscrupulous enemies; no nation therefore could forego that duty of examining how such attacks could be properly dealt with and effectively met.

Again there was a parallel in the case of the submarine. The British Empire delegation had desired to abolish submarines, but that was found impossible, and it was admittedly impossible to stop the erection of works in which poison gases could be manufactured in unlimited quantities. The British Empire delegation therefore had to say—and he was sure they had the sympathy around that table, for no dissentient voice had been raised—that if submarines were allowed they had to contemplate as a conceivable possibility that they would be misused, and that precautions would have to be taken against such misuse. He believed that every other nation recognized that unhappily submarines would remain a necessity as in the case of poison and lethal gases. Therefore the relief which such a resolution as this would give to the world in connection with poison gas would not be the complete relief which they all desired; it would not remove the anxieties and preoccupations which the possible use of gas necessarily involves. But were they therefore to say that they would do nothing? Were they therefore to say that resolutions such as that now before them were useless? Were they therefore to say that it was an empty form solemnly to repeat rules which were already accepted,

although they were not in a position by the establishment of new sanctions absolutely to prevent their use by any nation unscrupulous enough to desire to use them? Those questions he would answer in the negative. He believed that if by any action of theirs on such an occasion as the present they could do something to bring home to the consciences of mankind that poison gas was not a form of warfare which civilized nations could tolerate, they would be doing something important toward discouraging them.

No sanctions were provided in the present document; no sanctions could be provided there. But if anyone looked back even upon the history of the late lamentable war, he would see, notably in the great test case of the United States, that the gradual rising of public indignation against some grossly immoral use of the weapons of war had had a profound influence upon the history of the world. He was quite sure that the moral indignation roused in the consciences of the United States had had a most powerful effect upon the whole trend of events. He thought that by the present resolution, backed as it was by the consciences of the civilized world, although there was no sanction laid down in it, for no sanction was possible, they would in fact be creating a sanction not formally but informally. He believed that the outraged consciences of the world would rise in indignation and that any nation would be very bold and very ill-advised, if, in the face of that universal opinion, it deliberately violated the rules which on the present occasion they were invited deliberately to affirm. Therefore, without committing himself to the actual language of the resolution, he most heartily associated himself and also the British Empire delegation with the policy which the American delegation, through the mouth of Mr. Root, had put forward for their acceptance.

Admiral Baron Kato said that the question of poison gases had been discussed fully and the opinions in regard to them were now very well known. He would not, therefore, take the committee's time by repeating them; he simply wished to express his approval, on behalf of the Japanese delegation, of the resolution presented by Mr. Root.

The chairman remarked that there seemed to be unanimity in support of the resolution and added that, unless further discussion was desired, he would ask for the formal assent of the delegations to the resolution in the form in which he had read it.

The delegations being polled, each voted affirmatively, and the chairman declared it unanimously adopted.

The chairman said that the next subject presented for the committee's consideration was the question of limitation of aircraft as to numbers, character, and use.

It would be recalled that a subcommittee of experts to deal with this subject had been appointed; that committee had made a

careful, comprehensive, and somewhat voluminous report, which had been distributed. In view of the fact that the members of the committee all had this report before them, he assumed that it would not be necessary to read it in extenso. The question, he continued, was not presented for discussion; the desire was simply to get the report before the committee for such disposition as they might desire; and in order that they might make a beginning, he would simply refer to some of the main points of the report. Whatever time was necessary for its full examination and analysis would, of course, be afforded; it was not necessary that the committee should proceed with the discussion of it, which would not be continued until all the members of the committee were agreeable to that course.

Sir Robert Borden said that he would be grateful if the chairman would make as full an exposition of the report on the limitation of aircraft as he was prepared to do. This would serve as an introduction of the principal issues and would facilitate the general understanding.

The chairman then briefly outlined, and read extracts from, the following report:

“ COMMITTEE ON AIRCRAFT—REPORT ON LIMITATION OF AIRCRAFT AS TO NUMBERS, CHARACTER, AND USE.

“1. *Form of procedure.*—In considering the limitation of aircraft as to numbers, character, and use, the Committee on Aircraft adopted a form of procedure which took up the various questions involved in the following order: (1) Commercial aircraft; (2) civil aircraft; (3) military aircraft. Heavier-than-air and lighter-than-air craft were considered separately, since the conditions governing the two are not in all cases the same. An effort was made to determine whether or not it is possible to impose limitations upon their (1) number, (2) character, (3) use, and after discussion of the methods that might be employed to effect such limitation, whether limitation was practicable or not. This committee feels that the desirability of placing any limitations whatever upon aircraft is a matter of policy, one which it is for the main committee itself to determine. Nevertheless, it feels it to be a duty to point out the essential facts which will have a decided bearing upon the determination of the proper policy to be adopted, and this is done in this report.

“2. *Commercial aircraft.*—Different methods of imposing such limitation may be adopted by different states. The precise methods adopted by any state must be in conformity with its organic law. In some states it may be possible to impose an arbitrary limitation; in others, by the exercise of the police power, or of the power to tax, a practical limitation may be enforced.

In the United States, where laws passed by the Congress must conform to the written Constitution of the country, there may be some difficulty in finding an effective means of imposing this limitation, but nevertheless it is believed that if necessary such means can be found.

"3. Before discussing any other phase of the matter it will be well to consider carefully the effects which would follow the imposition of the limitation upon the numbers and character of commercial aircraft which may be owned and operated by the nationals of a state. In the first place, if commercial aeronautics is allowed to follow the natural laws which have governed the development of all other means of transportation and communication, the number and character of such aircraft will probably depend on financial considerations. That is, commercial aeronautics as a business will not thrive unless the operation of the aircraft will return a substantial profit. The state may interfere with the operation of these natural laws by granting to the owners and operators of such aircraft a direct or indirect subsidy. By so doing enterprises which would not otherwise be financially successful may be enabled to live and in this way the number of aircraft used for commercial purposes will be greater than if the natural laws of development had been allowed to take their course.

"It is not easy to foresee what consequences to human progress will come in the future from the development of aeronautics in all its branches. They will certainly be marvelous where natural conditions are favorable to such development. To try to limit them now with arbitrary laws, even if these laws have the purpose of preventing war, would be in the opinion of this committee disastrous from the point of view of world progress.

"4. If, among commercial aircraft, we class those owned and operated for sport or pleasure or convenience, the numbers of these will depend largely upon the wealth of the nation, upon the inclination of the people toward aeronautics, upon the cost of the aircraft thus employed.

"5. The development of aircraft has presented the world with a new and improved means of transportation and communication. One of the causes of warfare in the past has been a lack of the proper distribution of the world's resources in raw material, food products, and the like. Another potent cause of war has been the lack of understanding between races, peoples, and nations. Any addition to the transportation and communication facilities of the world should operate to improve the distribution of resources and likewise to lessen the causes of misunderstandings between peoples, and thus lessen the causes of warfare. Any limitation, therefore, placed upon commercial aeronautics would have the effect of limiting a means of transportation and communication

between the different parts of the same state and between different states. It seems inconceivable that any limitation should be imposed upon commercial aeronautics unless it were with the avowed object of thereby limiting the air power of a state and thus decreasing the liability of war. Commercial aeronautics with its attendant development of an aeronautical industry and a personnel skilled in the manufacture, operation, and the maintenance of aircraft does furnish a basis of air power. The development of commercial aeronautics and the development of a nation's air power are inseparable.

"6. Speaking broadly, all aircraft will be of some military value no matter what restrictions may be placed upon their character. Some can probably be converted with but few changes into military aircrafts; others can be designed so that with major or minor alterations, or even with none at all, they can be employed for military purposes. As a matter of fact, the uses of aircraft in war are many. During the World War highly specialized types were designed for special uses. Military aircraft have likewise been developed to a degree of perfection not yet reached in commercial aircraft. It is quite reasonable to suppose that similar development will take place in commercial aircraft, that they, too, will be especially designed for the uses to be made of them, and that they may depart quite radically from the military types used in the World War.

"In military aircraft, as a rule, a premium is placed upon performance. Consideration of initial cost and cost of operation and of maintenance are largely disregarded. The safety and convenience of the operators and passengers are considered only as these affect their ability to perform their military duties. If, as seems evident, commercial aircraft must be specially designed for the service they are to perform in order to have a chance of being financially successful, any effort to provide for their conversion into military craft will introduce complications which will increase the cost of production and operation. This may itself automatically act as a limitation, for business enterprises will not be willing to have such conditions imposed unless they are compensated in some way for the extra cost.

"7. *Heavier-than-air*.—The war value of an airplane may be said to lie in a combination of two or more of the following characteristics:

"(a) Its suitability for offensive and defensive equipment.

"(b) Its radius of action.

"(c) Its speed.

"(d) Its carrying capacity.

"(e) The height it can attain.

"It is not desired to go too deeply into technical matters in this report. The committee wishes, however, to point out that the

peace value of aircraft is at present intimately bound up with the general characteristics which make up the value of the airplane in war. The last four of the characteristics enumerated above are dependent upon the relation between the amount of fuel carried, the horsepower of the engine, the lifting surface, and the total weight. The committee is of the opinion that formulae could be evolved defining the inter-relationship of these factors in such a way as to limit the war value of the machine built in conformity therewith. It is more difficult to insure that war equipment shall not be mounted in a commercial airplane. In this matter the committee is of the opinion that definite rules can not be laid down.

"Radius of action is of high commercial value. A reliable air service from Europe to America in, say 24 hours, should prove a highly profitable undertaking. Again, in countries where there is perhaps the greatest scope for the development of airways, countries of great deserts for example, radius of action is essential. Speed is plainly the characteristic on which aircraft rely to gain advantage in their competition with other means of transportation. It is not yet comfort and security but time-saving that will tempt passengers, mail, and valuable cargoes from old established services. To limit speed is to stop progress, to throttle aviation in its infancy.

"The power of carrying numbers of passengers or quantities of goods is of obvious commercial value and even the attainment of considerable heights may eventually be a definite requirement. As a matter of fact the success of recent experiments indicates that, with special means of supercharging motors, navigation of the air will in the future utilize high regions of the atmosphere to take advantage of less resistance of the air and of favorable high velocity winds.

"The factors which comprise 'military' performance have therefore, a high commercial value, and it is the opinion of this committee that any limitation of the character of civil and commercial aircraft must hinder the natural development of aviation; it is probable that restriction as to character will have, in fact, an even more adverse reaction on the progress of aviation than would be caused by a restriction on numbers.

"8. *Method of limitation.*—Aircraft can be limited as to number and character by an agreement arbitrarily fixing a maximum number for each nation that will not be exceeded and by imposing technical restrictions in such a way as to limit performance.

"9. The difference in organic law as between nations will probably prevent a single system of limitation being of universal application. Moreover, the rules of formulæ, whereby alone the character of civil and commercial aircraft can be limited, must be detailed and stringent. At the same time, they will be easy

to evade, and infringement will not be obvious to the casual glance. Measurements of horsepower, supporting surface, fuel capacity, and weight will be necessary if security against evasion is to be insured by any other means than by trusting to the good faith of the contracting parties. No State could consent to having the nationals of another power continually inspecting all of its manufacturing plants in order to ascertain whether the limitations it imposed were being enforced.

"All these points received the closest of consideration with reference to the limitation of Germany's airpower and the matter is so complicated that the final drafting of the technical rules has not yet been completed. But taking rules as drafted and even assuming continuous inspection of a most stringent character, it appears that there are still loopholes for evasion. No rules can prevent aircraft being designed *in peace* to permit of the ready installment of larger tanks in war; engines can be made interchangeable, enabling one of higher power to be rapidly installed; even carrying surface can be increased by the standardization and interchangeability of wings and other methods, and it is not impossible to conceive of civil and commercial aircraft being designed with a view to ultimate war requirements.

"10. For the above reason, the committee is agreed that in the present stage of development of aviation a universal limitation by formulæ of the character of commercial aircraft is impracticable.

"11. *Question of subsidy*.—Without expressing an opinion as to the desirability of abolishing subsidies for the encouragement of commercial aviation, the committee points out that such subsidies, direct or indirect, can have a great influence on the character and number of commercial aircraft in relation to their war value. In fact, subsidies will tend to decrease the natural divergence between military and commercial aircraft and render the latter more readily adaptable to war uses. It is necessary, however, to add that indirect subsidies or other encouragement are most difficult to prevent, and even when acting in good faith Governments of different nations will place different interpretations on such encouragement.

"The question of whether subsidies are granted or not will have great bearing upon development of commercial aircraft in general, and will affect the future welfare of the nations. This question, therefore, can not be determined from the point of view solely of the adaptability for war uses.

"12. *Civil aircraft*.—In this discussion a distinction is drawn between commercial aircraft and civil aircraft; the latter will comprise all aircraft operated by a State except those which it operates in connection with its military enterprises. Civil aircraft will, therefore, include any which are State-operated in

the customs service, for transporting the mails, the exercise of its police powers, and the like. It is readily apparent that as aircraft operate in a medium where there are no physical barriers, they can compete in some measure with every means of transportation used on land or water. It is therefore possible for much of the transportation requirements of any State to be met by the operation of aircraft. Such aircraft manifestly are not dependent for their being upon their ability to be operated at a profit. The State will decide how best it may enforce its laws, exercise its police power, transport State-owned merchandise or mails, and the means used will be those which are most efficient and most economical from the standpoint of the State itself. The cheapest will not always be the best or the most satisfactory.

"The number and the legitimate use of aircraft by any Government for such civil purposes will, therefore, be limited only by the estimate placed upon the service which they can render and by the consent of the people to raising by taxation the amount of money which must be employed for their acquirement, operation, and maintenance.

"13. If the civil agencies of a State use aircraft for police or other purposes that are essentially military in character this class of civil aircraft should be discussed under the limitation of military aircraft.

"14. The number and character of such civil aircraft can be limited only by an arbitrary agreement among the States.

"15. It would, again, be utterly impracticable to set up any agency acting under authority other than that of a nation itself to regulate the number of civil aircraft owned and operated by the State.

LIGHTER-THAN-AIR CRAFT.

"16. *Limitation of number and character.*—The characteristics of lighter-than-air craft are such that limitation of number and character presents little technical or practical difficulty. It is a peculiarity of these craft that their efficiency is very intimately bound up in their size. Small dirigibles have a war value of their own, but it is limited and they can not be considered as offensive weapons. For example, a small vessel of this kind can not attain any considerable height while carrying a useful load, and even if filled with noninflammable gas its vulnerability to gunfire at the heights it could reach preclude its being utilized for such purposes as aerial bombardment. Only in large-sized dirigibles can a useful load be carried to a reasonable military height at a fair speed. Limitation of size is therefore sufficient to insure that lighter-than-air craft should be incapable of offensive aerial action. Moreover, the construction of

large dirigibles requires large shed accommodation and can not be kept secret; in this respect they resemble surface warships.

"17. It is therefore possible to regulate their numbers and size by a simple system of international agreement, and infringement of such agreement can be readily detected without a detailed system of control.

"18. The committee is agreed that the possibilities of war use for large dirigibles may still exist. Although in the later stages of the World War it appeared as if the defense had the mastery over attack in lighter-than-air craft, the introduction of larger craft filled with noninflammable gas and carrying their own protective aeroplanes may again permit bombardments being carried out by dirigibles.

"This committee desires, however, to draw attention to the fact that dirigibles become increasingly efficient with increase of size. Any limit which is imposed on the size of commercial dirigibles must shut the door on the possibility of their development for legitimate civil enterprises.

"19. *Limitation of the use of aircraft.*—The committee is of the opinion that it would be useless to attempt to lay down a rule that civil and commercial aircraft should not be used in war, as they consider that no nation could deny itself the value for war purposes of their commercial machines provided that they are suitable for any warlike purposes. It is understood that when so used they will be manned by service personnel of the State and carry the proper distinguishing marks, and will in fact become war aircraft; their use does not therefore require discussion in this part of the committee report.

"20. The use of civil and commercial aircraft in peace is governed by the International Air Convention, which amply safeguards a State's sovereignty in the air against abuse.

"21. This convention has already been ratified by Great Britain, France, Japan, Belgium, Greece, Portugal, Serb-Croat and Slovene State, and Siam. It will at a very near date come into force for these various powers and later for the other signatory States and also nonsignatory powers who desire to adhere to it.

"22. The committee is aware, however, that for certain reasons the United States has not yet announced its adherence to this convention. The committee therefore suggests for the consideration of the subcommittee on program and procedure that a convention covering the different phases of aerial navigation and based upon the one mentioned above could be drawn up at this conference to which the assent of all powers represented could be given. The committee further believe that this is most desirable.

" SUMMARY OF CONCLUSIONS.

"23. *Civil and commercial aircraft.*—This committee understands that the purpose of this conference is to promote peace and to remove the causes of warfare. It must be understood distinctly that if the conference decided to limit the development of commercial aircraft in order to retard the development of air power the immediate result will be the retarded development of means of transportation and communication, which will itself, if unrestricted, largely act to bring about the same result, the removal of some of the causes of warfare.

"24. This committee is unanimously of the opinion that in the present state of development of aeronautics there is a technical possibility of the limitation of numbers, character, and use of civil and commercial aircraft with regard to their utilization in war; they are, however, agreed that such limitation of numbers, and especially of character, is not practicable, except in the case of lighter-than-air craft of above a certain displacement.

"25. As regards the desirability of limitations, the committee has touched on those factors which must be understood before arriving at a decision. It feels it to be a duty to lay great stress upon the following fact, which will have a decided bearing upon any determination of the proper policy to be adopted: Any limitation as to number and character of civil and commercial aircraft, heavier than air or lighter than air, which is efficacious to hinder their utility for war purposes must interfere disastrously with the natural development of aeronautics for legitimate civil and commercial enterprises. To limit the science of aeronautics in its present state is to shut the door on progress. It is for the conference to decide whether the limitations which can with difficulty be devised and imposed are to be adopted at such a cost.

"*Military aircraft.*—(Note. In the part of the report which follows the word 'military' is used in its widest sense to denote 'pertaining to the fighting services, whether naval, military, or air.')

"26. *Preliminary remarks.*—The committee agreed that before entering upon a discussion of possible limitation of the numbers of military aircraft it was desirable that the present relative strength of the nations represented should be ascertained and tabulated in a simple form designated to facilitate comparison between them. The results of this investigation are tabulated in appendixes 1, 2, 3, 4, 5, attached to this report. It is remarked that though these forms afford a guide to the relative military air strengths at the present day, it is impracticable to present a complete estimate of a nation's air power, since air power is (as has been already shown) intimately bound up in factors other than the military establishment. Differences in organization and

administration of the various national aerial forces are a further obstacle to direct comparison in detail; these factors must not be forgotten when studying the statement presented and must be kept in the foreground of all discussions as to the possibility of limitation.

"27. *As to number.*—The limitation of the number of military aircraft presents from one point of view less difficulty than the similar problem in the case of commercial aircraft. It is obvious that if a limitation on the number of military aircraft is agreed upon between nations, it can be imposed by a state without that interference with the liberty of citizens which complicates the question of aircraft devoted to commercial pursuits. But when the details of such an agreement are considered, it will be found a matter of great difficulty to find a reasonable basis on which the allotment of relative strengths can be made. For example:

"(i) The 'status quo' cannot serve as a starting point, since the state of development of air services differs widely in the case of the various powers (see appendixes), and in no case can these services be considered as complete.

"(ii) The size of a nation's navy and army will influence the basis, in so far as aircraft are essential auxiliaries to those services.

"(iii) National policy will differ as between nations: some nations, for example, will wish to have large air forces for coast defence where others prefer to trust to older methods. Development on the lines of the substitution of air forces for other forms of force are likely to be considerable.

"(iv) The potentialities of air forces in policing and garrisoning semicivilized countries or uncivilized countries, are as yet only partially realized. The number of aircraft required for such duties will vary with the size and nature of the territories to be patrolled and with the value placed on their services by different nations.

"(v) The geographical position and peculiarities of a state, the situation and strength of its possible enemies, and the nature of a possible attack must influence the number of aircraft it will desire to maintain.

"(vi) Different terms of service for personnel will influence the effectiveness of air services and the size of the reserve.

"(vii) The state of development or possibilities for civil aeronautics will have, as has been shown above, a direct bearing on the number of military aircraft which it may be desirable for a state to maintain.

"The problem of finding a suitable ratio between the air forces of various powers is thus at the present time almost insuperable.

"28. *As to character.*—But even should it be possible to fix the ratio, such a limitation would be of little value without some limit

as to the character of the aircraft. When the question of limitation of naval armaments was considered by the conference it was found necessary to limit the displacement of individual ships as well as the total tonnage. In the absence of similar provision the limitation of numbers of aircraft would only result in competitive building of aircraft of greater and greater power and size. The methods of limitation must therefore attempt to legislate for both number and character.

“ HEAVIER-THAN-AIR.

“29. *Methods of limitation.*—The following methods may be employed :

“First. The limitation of the number of military aircraft.

“Second. The limitation of the amount of horsepower for military aircraft.

“Third. The limitation of the lift tonnage for military aircraft.

“Fourth. The limitation of personnel for military aircraft.

“Fifth. The limitation of military aircraft budgets.

“These five methods may be applied in combination or singly and are considered in detail below :

“30. Limitation of the number of aircraft is the most obvious method of limiting the strength of the aviation force, but in attempting to apply this method the question of size and type at once arises. It might be necessary to limit the maximum wing surface permitted to a single aircraft or it might be necessary to prescribe the number of aircraft in each of the type groups, such as combat planes, bombing planes, etc.; this question of definition of type presents great difficulty. In order to make an effective limitation of the numbers of military aircraft to be maintained in peace time by any nation, it will be necessary to have a detailed understanding on the following points :

“(1) On the number and types actually in use by organized aerial units.

“(2) On the number and types held in reserve.

“(3) On the number and type of engines held in reserve.

“(4) On the replacement of planes crashed, worn out, or replaced by later models. In the case of obsolete and other planes that are replaced by other models it would be necessary to enter into an agreement regarding the disposal of planes so replaced. Otherwise it would be possible to build up an unlimited war reserve merely by classifying the planes so held as obsolete, or by converting them into civil or commercial planes.

“(5) On the limitation of the adoption of new and more powerful types.

“All these points will present great difficulty in an age when aircraft can become obsolete in a few months, and when their

nature is such that war wastage may be as high as 200 per cent per month.

"31. The second method of limitation, limitation of horsepower, may apply to:

"(1) Total horsepower in assembled planes.

"(2) Total horsepower in assembled engines.

"(3) Horsepower in a single individual plane of a given type.

"This can only be based on the cubic capacity of the engines; there will be no guaranty that a nation has not discovered a secret which will enable greater horsepower to be got out of limited capacity, nor is it reasonable to expect any nation to disclose such a secret. The more detailed the limitation the greater the administrative difficulty of enforcement, particularly under present conditions, when administrative methods are so widely different, and, as pointed out in the first part of the report, any enforcement, to be effectual, would entail such detailed inspection by a foreign commission as to be intolerable to any nation.

"32. The third method of limitation, limitation of lift tonnage, may apply to:

"(1) Total lift tonnage in assembled planes.

"(2) Total lift tonnage in all planes assembled or not assembled.

"(3) Lift tonnage of a single individual plane of a given type.

"Any method must presumably be based on wing area and horsepower. It has been mentioned that the actual horsepower may be unknown, and it is likewise conceivable that a nation may discover a wing shape of extreme lifting efficiency and neglect to disclose the fact. Limitation of lift tonnage may therefore be wholly illusory, and the remarks as to inspection made in the last paragraph apply to this method also.

"33. The fourth method of limitation, whether of the total or organized personnel for war aircraft or only of pilots in the permanent military establishment, fails by reason of the difference in organization between different states. A nation which has a separate air service has to include in its organized personnel those employed in recruiting, supply, transport, administrative headquarters; etc. In the case of nations whose air forces are contained in their naval and military forces, supply, etc., personnel are included in naval and military establishments; a fair comparison can not therefore be made. Moreover, the difference in terms of service, long or short, voluntary service or conscription, must introduce incalculable factors which directly affect the efficiency of organized air forces and the size and efficiency of the reserve.

"34. The fifth method of limitation, limitation by means of limiting the budget and thereby controlling the amount of money that may be expended annually for aviation, seems simple in theory, but it is difficult of application. The various methods of

distributing budgets for material under different subheads make it impracticable to determine or compare the actual sums expended exclusively for aircraft, and the question is at present further complicated by the factor of the relative purchasing power of the currency of various nations.

"35. Of the five methods of limitation, limitation by lift tonnage or horsepower appears to present the least objections; but to make these or any other methods effective, it would be necessary, as previously pointed out, to organize a system of international inspections. Any system of international inspection would be almost certain to arouse ill-feeling and would tend to cause friction rather than to insure harmony and good feeling between friendly powers.

"36. *Impracticability of limitation of number and character.*—Objections in detail to each suggested method of limitation have been advanced above—there is one insuperable objection which is common to every method, namely, the close relationship which at present exists between civil or commercial aeronautics and air power. Unless civil and commercial aeronautics are strictly limited—and it has been shown in the early part of this report that it is not practicable to limit them—a nation desiring air power in excess of the limit imposed or agreed to will develop its civil and commercial aeronautics to any extent desired.

"Granting a flourishing aeronautical industry, the number of the present type of perishable military airplanes active on any given date is only one of the elements of air power. During the war a single American firm contracted to deliver 100 aircraft a day, and the output of engines can be organized on a similar scale. A nation's air power can thus be multiplied not only by the actual number of civil and commercial aircraft in use but also by the capacity of the industry to turn to the manufacture of military aircraft in large quantities. Limitation of the number of horsepower and lift tonnage would under such conditions prove illusory. This commercial industry will further provide a great potential reserve of pilots and skilled technical personnel and will thus discount to a great extent any limitation of numbers of the personnel of military aviation.

"37. It is the opinion of this committee that the limitation of military air power (as regards heavier-than-air craft) is not practicable at the present time. Their reasons for this decision are as follows:

"(I) The difficulty of finding a basis for the proportion of aircraft to be allotted to the various nations.

"(II) The difficulty of devising technical methods to impose such limitation.

"(III) The difficulty of enforcing such methods.

“(IV) The interdependence between air power and a commercial aircraft industry which it is not practicable to limit.

“38. *Lighter-than-air craft*.—Many of the remarks already made apply to lighter-than-air craft but, as in the case of commercial aircraft of this nature, limitation is both possible and practicable. It is unnecessary to recapitulate the argument that the military value of a dirigible is dependent on its size, and the size of dirigibles and the number maintained can be limited by agreement of a few simple rules. Infraction of such rules can be rapidly ascertained without detailed inspection. But such a limitation of lighter-than-air aviation forces would not effect a limitation of this kind of air power of a nation unless a limitation were also imposed on its lighter-than-air commercial activities. The line of demarcation between the large commercial airship and the military airship is very slight, and a commercial dirigible would require little, if any, alteration in order to adapt it to military purposes. The objections to the limitation of the number or character of commercial lighter-than-air craft have already been remarked on.

“The question of the use of military aircraft.

“39. It is necessary in the interests of humanity and to lessen the chances of international friction that the rules which should govern the use of aircraft in war should be codified and be made the subject of international agreement.

“40. The matter has been considered by this committee in connection with a draft code of “Rules for Aircraft in War” submitted for remarks by the committee on the laws of war. The subject appears to the committee to be one of extreme importance and one which raises far-reaching problems, legal, political, commercial, and military; it requires, therefore, exhaustive discussion by a single committee in which experts on all these issues are assembled.

“The representatives of the United States and Japan on this committee are prepared to discuss the rules submitted from a technical point of view as provided for in the agenda under paragraph on limitation of new types of military arms, but the representatives of Great Britain, France, and Italy are not so prepared. They state that the time between receipt of the agenda for the conference and their date of sailing has not permitted that exhaustive discussion of the subject that would enable them to advance a national viewpoint on a matter which affects so many and varied interests. In some cases the national policy has not yet been determined.

“41. This committee recommends therefore that the question of the rules for aircraft in war be not considered at a conference in which all the members are not prepared to discuss so large

a subject, but that the matter be postponed to a further conference which it is recommended be assembled for the purpose at a date and place to be agreed upon through diplomatic channels.

" SUMMARY OF CONCLUSIONS ARRIVED AT BY THE COMMITTEE ON NUMBER, CHARACTER, AND USE OF AIRCRAFT.

" 42. The committee are agreed that among the more important elements which influence the power that a nation may exert by means of aircraft are the following:

"(1) The adaptability of its people to aeronautics.

"(2) Geographic location and characteristics of the territory occupied by the nation and its dependencies.

"(3) The ability to produce and maintain aircraft and accessories.

"(4) The amount and character of aeronautical activity outside the military establishment, such as commercial and civil aeronautical activities, and sport and pleasure flying.

"(5) The size and efficiency of its air establishment for military purposes, consisting of (a) the active establishment, including permanent headquarters, bureaus, squadrons, schools, technical establishments, depots of material and personnel, etc.; (b) the reserve establishment, including organized and unorganized reserve personnel and war reserve of material.

" 43. (1) The adaptability of a nation to aeronautics.

"Interest of the general public in aeronautics seems to be inherent in some nations; in others it is dormant or almost lacking. The confidence of a people in aeronautics in general is undoubtedly a factor worthy of serious consideration when estimating the air power of that country. It is possible that a far-seeing Government may stimulate the interest of its general public in aeronautics by exhibitions, general educational measures, and by the encouragement in a financial way of individuals already interested, and thus increase the adaptability of its people to aeronautics.

" 44. (2) Geographic location and characteristics of the territory occupied by the national and its dependencies.

"This may be looked on as closely akin to (1). The physical characteristics of a country will have a considerable influence on the attitude taken by its inhabitants toward aviation. It is obvious that, while government action may improve the natural characteristics of a country to a certain degree, by making aerodomes, etc., it is not possible for any limitation of such action to be made except by limiting the total amount spent by the nation on aviation, a method which has already been shown to be largely ineffective.

" 45. (3) The ability to produce and maintain aircraft and accessories.

"The maximum aeronautical industry possible for a nation to build up under ideal conditions is determined by (1) the extent to which manufacturing in general is carried on; (2) by the character of articles manufactured; (3) by the manufacturing methods in general—that is, whether articles are manufactured by machinery or by hand; (4) the supply and availability of essential raw materials. In the manufacture of many articles the raw materials used and the manufacturing methods are similar to those employed in the manufacture of aircraft and accessories. The amount of this class of manufacturing carried on in any country is an essential factor in estimating the ability of a nation to produce aircraft.

"The ability to expand an existing aeronautical industry rapidly enough to meet war conditions is one of the most important elements of air power. This may be estimated by (1) the number of individuals skilled in the manufacture of air craft and accessories; (2) the number of individuals whose training in industries similar to the aeronautical industry forms a basis for learning readily and rapidly the special problems encountered in the manufacture of aircraft and accessories; (3) the size and condition of the existing aeronautical industries and the size and number of manufacturing concerns that can readily be converted to the manufacture of aircraft and accessories; (4) the existence of a definite program previously determined upon and the extent to which orders have been previously placed in anticipation of an emergency with a consequent perfection of plans; (5) the amount and state of availability of the essential raw materials; (6) the quantity of available jigs, tools, dies, and production drawings for going into quantity production of standard equipment.

"46. (4) The amount and character of aeronautical activity outside the military establishment has been exhaustively discussed under the limitation of civil and commercial aircraft. It has been shown that this is intimately bound up with (1) (2) and (3), as above, and that, with the exception of lighter-than-air craft of above a certain size, it is not practicable to limit it except perhaps by limiting the amount of subsidies to commercial aviation, a method which has been shown to be difficult of application and to be otherwise objectionable. It has also been shown that the limitation of lighter-than-air craft would have a disastrous effect on aviation.

"47. (5) Existing establishment of aircraft used for military purposes and the reserve.

"The size of the organized reserve will depend upon the size of the military establishment and the rate at which the members of the military establishment are trained and returned to

civil pursuits. Any reduction in the permanent peace-time establishment will carry with it a consequent reduction in organized and trained reserves. There is, however, a type of personnel whose civil pursuits fit them for immediate service in the air establishment. This class is made up by those engaged in commercial and civil aeronautics and industrial pursuits which require the same trades and basic knowledge and experience as is required in the operation and maintenance of military aircraft. This class will not be seriously affected by any change in the military establishment.

"48. Technical considerations have led the committee to the conclusion that the limitation of the fifth element, namely, the size and efficiency of peace-time air establishments for military purposes (including the active establishment and the organized reserve), although theoretically possible, is not practicable. The committee also desires to lay stress on the fact that, even if such limitation was practicable, it would not prevent the use of air power in war, but would only operate to give greater comparative importance to the other elements of air power which can not be limited for the reasons given in the report.

" FINAL CONCLUSION.

"*Number and character.*—The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, excepting in the single case of lighter-than-air craft.

"*Use.*—The committee is of the opinion that the use of aircraft in war should be governed by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date.

" Respectfully submitted by committee on aircraft.

" For the United States of America :

" WILLIAM A. MOFFETT, *Chairman,*

" *Rear Admiral, United States Navy.*

" MASON M. PATRICK,

" *Major General, United States Army.*

" For the British Empire :

" J. F. A. HIGGINS,

" *Air Vice Marshal, R. A. F.*

" For France :

" ALBERT ROPER, *Capitaine,*

" *Pilot Aviateur, French Army.*

" For Italy :

" RICCARDO MOIZO,

" *Colonel, R. I. A.*

" For Japan :

" OSAMI NAGANO,

" *Captain, I. J. N.*

"NOTE.—The Italian representative believes and desires to place on record that one way in which it would be possible to limit the air power of a nation would be by placing a limit upon the number of pilots in the permanent military establishment and consequently agrees with the general reasoning of the report in so far as is not contrary to this opinion.

"(Signed)

COL. R. MOZIO,

"RICCARDO MOZIO,

"Colonel, R. I. A."

The chairman said that the report was now before the committee for such action as might be deemed advisable.

Mr. Sarraut said that the report would have to be translated, and the reading of it alone would take some time; the subject was not on the agenda. He believed that he voiced the opinion of his colleagues on the committee as well as his own in saying that under the conditions it would be advisable to afford time for the necessary examination of the contents of the report.

The chairman said that, in view of the very short time there had been for the examination of the voluminous report, he thought that abundant time should be given for its consideration; he had taken it up that morning merely because other subjects had been disposed of, and he thought that even a general statement might aid the committee in making progress with its work. He was not aware that the committee was prepared to take up another matter at that time, and he therefore suggested that, if that was agreeable to the committee, adjournment be taken until Monday.

Lord Lee asked whether the chairman would give some indication of what subject would be discussed after the report on aircraft; from present indications the consideration of this report would take only a short time, and the British delegation would like to be prepared for what was to follow.

The chairman said that three subcommittees had been appointed, one on gas, one on aircraft, and one on rules for the conduct of war. The committee had dealt with the report on gas and adopted a resolution; it had had before it the report on aircraft. He understood that the subcommittee on rules of war believed that it would be impracticable, at this conference, to do more than suggest that these should be carefully examined and made the subject of consideration at another conference. If that was the sense of the conference, and no extended examination of the question was to be made, he supposed that the next order of business would be the consideration of the report of the details of the proposed naval treaty, with respect to all the matters which were then engaging the attention of the naval experts and the legal experts. He was unable to say whether that would be ready for the next session or not. He assumed that it was the next topic

to be taken up, if it was decided not to discuss rules for the conduct of war.

Mr. Balfour said that he had listened with great satisfaction to Mr. Hughes's observations on the report. As concerned a general revision of the rules of warfare, he said he was afraid he must discourage any attempt to deal with that tremendous subject. He was in some doubt as to whether it came within the list of subjects which his Government had authorized him to discuss; but however this might be, he thought that all his colleagues would be wise to limit their ambitions in this direction as closely as he did.

Sir Robert Borden said he had been much impressed with the suggestion of Lord Lee on a previous occasion that, should another great war break out, questions raised by the illegal use of submarines might arise concerning the use of aircraft in connection with the search, seizure, and capture of merchant vessels. Sir Robert Borden merely wished to remind his colleagues of this point without even suggesting that it should be considered by this conference. But the subject was, in one sense, connected with the conditions under which merchant ships might be ordered to stop and might be searched, seized, and eventually captured. This might be done by aircraft in the next war; in the last war it had been governed by the rules as they were then understood, which had not been conformed to by one nation. If no principles were formulated, the powers might be confronted with the same problems with respect to aircraft.

Lord Lee said that he was well aware of the importance of the point raised by Sir Robert Borden and that, in fact, it was the point he himself had brought to the notice of the conference. He supposed, however, that it would be in order for it to come under the second of the final conclusions of the report on the limitation of aircraft. If this conclusion should be accepted by the committee, as Lord Lee assumed it probably would be, then the matter would go over to the further conference suggested therein—a course which he would not oppose.

Senator Schanzer said he desired to add a few words in the same connection as those of Sir Robert Borden. The conclusion reached by the subcommittee of experts was that the conference should not attempt to fix rules for aircraft, and that this question should be referred to a future conference. He had at the present time no formal proposition to present, but he thought the matter ought to be discussed. He was entirely in accord with Mr. Balfour, that the conference should not attempt to pass on the vast subject of the laws of war, as time did not permit of this; but it was impossible not to consider the fact that certain laws previously made—such as those contained in Mr. Root's resolutions re-

garding submarines—had been reaffirmed at this conference; in the same resolutions the powers represented on the committee had stigmatized the abuses of the submarine and had established sanctions. It was impossible to forget the excesses committed by military means by the bombardment of open towns in Italy during the recent war. This had been forbidden by The Hague convention and, just as the committee had thought it necessary to condemn excesses committed in connection with submarine warfare, would it not be helpful to condemn the excesses committed in connection with the bombing of open towns? He did not know whether it was proper to suggest such a proposition at that time, but he thought that there should be a discussion of the matter for the purpose of ascertaining whether a resolution forbidding the bombardment from the air of open towns and villages could not be formulated.

The chairman said that if it were proposed to discuss the question of rules of war, except possibly in a very limited sphere, the committee would enter upon a field which, he assumed, would give it a great deal of concern and would require prolonged study and discussion. He did not suggest that the committee should not enter upon that field if the delegates desired that these subjects should be taken up. He supposed that the report on aircraft could be dealt with, in its main features, in a comparatively short time. The report was voluminous, but that very fact led to an easy comprehension of the recommendations. If it was desired, in connection with the use of aircraft—for example, in relation to merchant ships and undefended towns—to bring forward specific resolutions, there would be opportunity to do so. He suggested, however, that the committee adjourn until Monday at 11 o'clock, and that it then proceed with the discussion of the aircraft report. If anything else was ready, when that had been disposed of, the committee would take it up.

The committee then adjourned until Monday, January 9, 1922, at 11 o'clock a. m.

EIGHTEENTH MEETING—MONDAY, JANUARY 9, 1922, 11 A. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Air Marshal Higgins, Capt. Denville, Mr. Malkin, Mr. Flint, Mr. Christie.

France.—Mr. Sarraut, Mr. Jusserand, Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Ponson, Capt. Odend'hal, Capt. Roper.

Italy.—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

Japan.—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The Secretary General, accompanied by Mr. Paul, Mr. Pierrepont, and Mr. Wilson; Mr. Camerlynck and Mr. Talamon (interpreters).

1. The eighteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Building, at 11 a. m., January 9, 1922.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Air Marshal Higgins, Capt. Domville, Mr. Malkin, Mr. Flint, Mr. Christie; for France, Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Capt. Roper; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary-general of the conference, assisted by Mr. Paul, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman, Mr. Hughes, said that a draft of the proposed treaty relating to naval armament had been distributed that morning. The advisers—that was to say, the naval experts and the legal experts—had been in consultation, and the draft represented the points of their agreement. There were only one or two points upon which they had failed to agree. There was also a question as to form which he would not take up at this time.

He had been in conference with the heads of the delegations who, in the interest of expedition, had agreed on this course of procedure. The heads of the delegations would call meetings that afternoon of their respective delegations and go over the provisions of this proposed treaty, to see whether there were any

points upon which the naval experts had agreed which were not regarded as satisfactory to the delegations; because, of course, it was submitted by the experts for consideration, and their agreement was in no way binding upon the full committee. They would also take up with their respective delegations the matters which had been reserved by the experts for further consideration.

On being advised that this work had been completed, the chiefs of delegations would meet and put the treaty into its final form for submission, in its entirety, to this committee, unless some question of broad policy of a distinctive character should be submitted which required special discussion in this committee. The reason for this procedure was, of course, that there were a multitude of details which had been thoroughly considered by naval experts and legal experts, and unless there was some broad question of policy it would serve no useful purpose to take up this treaty article by article in the full committee. There should, of course, be opportunity in each delegation for consideration of any points which it might be desired to present.

The chairman merely announced this as a course of procedure agreed upon by the chiefs of delegations, which would postpone, for the time being, consideration of this proposed treaty.

In the meantime, the chairman wished to suggest that this should be held in the strictest confidence. This was not a treaty. It was nothing but the agreement of the experts, and while it well might be found acceptable later, it was not in a shape to be communicated at this time to the public or to anyone outside those here responsible for its contents.

The question next to come before the committee, the chairman went on to say, was raised by the subcommittee which had dealt with the matter of limitation of aircraft as to numbers, character, and use. The committee would note the two recommendations of the subcommittee or statements of its final conclusions.

The first was as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, excepting in the single case of lighter-than-air craft."

The second was this:

"The committee is of the opinion that the use of aircraft in war should be governed by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date."

It might be said that if it was the desire of this committee to adopt certain resolutions relating to the use of aircraft in war, as, for example, with respect to the bombardment of undefended towns and villages and the like, and also with respect to the limitation of the use of aircraft in connection with merchant

vessels under the rules of international law, as stated in the first resolution adopted with regard to submarines, those matters could be presented for consideration when the second recommendation or conclusion of this report was taken up.

The chairman suggested, therefore, that in the interest of speed the committee should confine itself, in the first instance, to the consideration of the first conclusion of the subcommittee, to wit, that it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, except in the single case of lighter-than-air craft.

He took the liberty of suggesting, further, that in consideration of this conclusion, discussion should at first be limited to heavier-than-air craft, in order not to deal with a matter which was treated as exceptional by the subcommittee, a matter, moreover, concerning which the subcommittee considered it practicable to impose effective limitation.

If agreeable to the committee, in the interest of having the discussion directed to a precise point, the question presented was, that of the adoption of the conclusion of the subcommittee should now be considered, and that, aside from the case of lighter-than-air craft, it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military.

Senator Schanzer said that the subcommittee of experts had come to the conclusion that there was no practical method for limiting military and naval aviation.

In the subcommittee the Italian member alone was of the opinion that such a limitation could be obtained by limiting the number of pilots of the permanent military organizations, and since the other powers were willing to accept the conclusions of the subcommittee and a proposal aiming at the limitation of air armaments would have no chance of being accepted at that time, the Italian delegation would limit themselves to expressing the desire that the future conference which would be called to study and define the laws of aerial warfare should take up again also the question of the limitation of aerial armament.

The Italian delegation had always insisted on the limitation of armaments in all fields and would deem it regrettable that the competition which the conference had partially succeeded in excluding from naval armament, should be transferred to the domain of military and naval aviation; this would be a serious drawback to the work of the economical reconstruction of all the countries represented, which it was the duty of the delegates to have in view.

Senator Underwood said that he had not expressed his views very much to the conference. He was in hearty accord with what they had done. He himself believed in real disarmament, looking to the permanent peace of the world, and he would be very glad to vote for the cutting out of any instrument of war if it really affected the situation; but heavier-than-air craft and lighter-than-air craft both were useful for land armament as well as sea armament. The man who was trained in one machine could fly in the other, and, in the main, the machine that might be used with land armies, with slight changes, could be used in naval warfare. He personally would be very glad to see the question of limitation of land armament taken up, but he understood the conditions that confronted them and knew that it was not probable that it would come before this conference, for reasons that it was not necessary to go into, therefore it did not seem to him practicable to pass resolutions in reference to the limitation of aircraft at this time. For that reason, his view was in accord with the view of the technical subcommittee.

Mr. Balfour said that it was impossible to resist the practical conclusions of the subcommittee on aircraft with regard to the limitation of heavier-than-air craft, which he understood was the point for immediate discussion. This was regrettable, because one must regret anything that restricted the power of the conference to limit armaments whether by land or sea or air. But the committee had to accept the facts as they now appeared and leave it to some future time to deal with the subject, when the technical differentiation between war and peace aircraft should have become clearer. Senator Underwood had put with great force a further special obstacle that stood in the way at the moment.

As he had shown, the conference was precluded from dealing with the larger problems of land armaments. Aircraft were a land arm as well as a naval arm. Accordingly, to deal with the limitation of aircraft at this time would be to deal with only a fraction of the subject of land armament and to leave wholly untouched the larger proportion of the great problems connected with it. There was another general argument pointing in the same direction. Unlike the case of submarines, in the case of aircraft military and civilian uses were not sharply divided. There was practically no commercial civil use for a submarine, but there were many who thought that the development of aerial invention was going to exert an immense influence upon the economic development of mankind and upon intercommunication of different peoples. In the present stage of their knowledge of air matters it seemed quite impossible to limit aircraft designed for military uses without also limiting aircraft designed for commercial uses;

so that every restriction which could be put upon heavier-than-air craft would have a double reaction. It might, perhaps would, diminish the number of aircraft which could be used for military purposes, but it could not carry out that object without also diminishing the number of aircraft to be used for the peaceful purposes of international intercommunication. In those circumstances he must admit with reluctance, but with a clear conviction, that probably the subcommittee were in the right when they said it would be quite hopeless, and not only hopeless but undesirable, to attempt at the present time and in the present stage of human knowledge to limit aircraft. He was therefore prepared to give his adhesion to the first part of the first resolution.

Mr. Sarraut said that he had just listened to the presentation of a certain number of observations in consequence of which he desired to state that the French delegation gave its full assent to the first resolution proposed by the committee.

The reasons adduced appeared to him excellent and the conclusions reached by the impartial investigation of the exports was illuminating.

If he might be permitted to express his personal point of view, he would say that he still regarded with the greatest apprehension any act which might be of a nature to paralyze the progress of aviation.

He had a profound belief in the beneficial effects to humanity of aviation. If it resulted in terrible engines of war, it might also be an instrument of the first importance in time of peace.

Already indeed the airplane was used in the administration of those distant and desolate lands called great deserts by the experts, and where, more than anywhere else, suffering humanity had need of care and of assistance. In the French colonies, very serious efforts had been made to effect the long-distance transportation of essential articles and to bring medical and surgical assistance. Very important results had already been attained along these generous and humane lines.

Under these conditions, it would be very wrong to do anything that might hamper the progress of aviation and it was with this understanding that the French delegation gave its full and entire adherence to the proposals of the committee.

Admiral Baron Kato said that the question of aircraft did not demand elaborate discussion at present. He believed, however, that the time would come when it would be necessary to effect a limitation upon military aircraft. He agreed with the conclusion of the subcommittee that it was impracticable at present to effect any limitation upon the use of "heavier-than-air" craft. He therefore accepted the proposal on behalf of the Japanese delegation.

The chairman said that he thought that all felt a deep disappointment in being unable to suggest limitations on the use of aircraft in war or on the preparation of aircraft for military purposes. The committee knew full well that in aircraft there was probably the most formidable military weapon of the future. And yet, in addressing themselves as practical men, to the problem, the committee found no answer to the arguments which had been set forth succinctly, but most forcibly, by the technical subcommittee.

The reason was, as had been well stated, that the committee was dealing in substance with facilities that were needed in the progress of civilization. It could not put a ban upon progress. The committee also knew, even if it prohibited all aircraft for military purposes and allowed the development of the art to meet the requirements of civil life, that in time of war the basis of that development would be immediately available and within a short time provisions for any possible military uses would be amply made.

The question, therefore, reduced itself not to one of limitation of armament, but to a limitation of civil progress; and faced with that difficulty, there seemed to be no alternative but to adopt the first resolution so far as it applied, as it did apply, exclusively to heavier-than-air craft.

This appeared to be the sense of the committee.

The chairman then said that the next question was whether it would be deemed practicable to impose a limitation in the case of lighter-than-air craft. He called their attention to what the subcommittee had said with regard to this subject. The statement was very short, and it brought the point quite clearly before the committee and, with its permission, he would read it. The subcommittee said:

"Many of the remarks already made apply to lighter-than-air craft but, as in the case of commercial aircraft of this nature, limitation is both possible and practicable. It is unnecessary to recapitulate the argument that the military value of a dirigible is dependent on its size, and the size of dirigibles and the number maintained can be limited by agreement of a few simple rules. Infraction of such rules can be rapidly ascertained without detailed inspection. But such a limitation of lighter-than-air aviation forces would not effect a limitation of this kind of air power of a nation unless a limitation were also imposed on its lighter-than-air commercial activities. The line of demarcation between the large commercial airships and the military airship is very slight, and a commercial dirigible would require little, if any, alteration in order to adopt it to military purposes. The objections to the limitation of the number or character of commercial lighter-than-air craft have already been remarked on."

That allusion was, apparently, to the fact previously emphasized in the report as follows:

"As regards the desirability of limitations, the committee has touched on those factors which must be understood before arriving at a decision. It feels it to be a duty to lay great stress upon the following fact which will have a decided bearing upon any determination of the proper policy to be adopted; any limitation as to the number and character of civil and commercial aircraft, heavier than air or lighter than air, which is efficacious to hinder their utility for war purposes, must interfere disastrously with the natural development of aeronautics for legitimate civil and commercial enterprises. To limit the science of aeronautics in its present state is to shut the door on progress. It is for the conference to decide whether the limitations which can with difficulty be devised and imposed are to be adopted at such a cost."

It was, therefore, the chairman stated, practicable to impose a limitation, by agreement, upon the size of dirigibles. Questions as to limitations of number could be considered separately, but certainly it was practicable to impose a limitation upon size. The question was whether it was desirable to do so, in view of the fact that commercial dirigibles could be converted into military dirigibles; and therefore the question was whether the advantage in the limitation of armament—that is, in having an agreed limit of the size of dirigibles, was so great that it offset the disadvantage of limiting the size of dirigibles for commercial purposes. The chairman presented that question for discussion.

No one desired to discuss the matter.

The chairman then asked whether it was the desire of the committee to state as its conclusion, in view of the arguments presented by the subcommittee, that it was not practicable to impose limitations upon lighter-than-air craft, or it was their desire to present a resolution containing such a limitation.

Senator Schanzer said that he only desired to ask the chairman if the first proposal, which made an exception for lighter-than-air craft, were approved, might it not seem that the exception were approved also. He suggested the elimination of the words "excepting in the single case of lighter-than-air craft."

The chairman said that the suggestion of Senator Schanzer was that it would accomplish the purpose, if it was not proposed to put a limitation upon lighter-than-air craft, to adopt the conclusion of the subcommittee, leaving out the last clause, so that the sense of this committee would be stated as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

The chairman said that it was suggested by Mr. Balfour that the words "at present" should be inserted before "practicable."

That seemed to be a very good suggestion; because that was what they were doing—not indicating that in the future it would not become practicable. Then the resolution would read:

“The committee is of the opinion that it is not at present practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military.”

He then asked for an assent to this, and it was unanimously adopted. -

The chairman then said that the next topic for discussion was the final recommendation or conclusion of the subcommittee, as follows:

“The committee is of the opinion that the use of aircraft in war should be covered by the rules of warfare as adapted to aircraft, by a further conference which should be held at a later date.”

The subcommittee had taken occasion to review the difficulties, at the present conference, in adopting detailed rules of war.

It was quite apparent, however, that the late war had revealed the imperative necessity for the adoption of new rules of warfare, and that these new rules of warfare should be framed so as to take into account the development of the science of aeronautics and its application to war. It would require, he assumed, a committee of jurists, sitting for a considerable time, to develop detailed rules of war; and in that sense this recommendation of the committee would commend itself. It did not follow, however, that it would not be practicable, as to certain simple cases of abuses, to indicate the opinion of this committee, and, indeed, to reach an agreement on the part of the nations represented, which would prevent the recurrence of atrocities which shocked mankind when committed during the late war.

He might say that the advisory committee of the American delegation had adopted a report of a subcommittee, of which Gen. Pershing was the chairman, in the following words:

“The use of aircraft in war should be in accordance with the rules of land warfare, by which the attack or bombardment by whatever means of towns, villages, dwellings, or buildings that are undefended is prohibited. The bombardment of fortified places, or of munition factories, is legitimate, but cities and towns, unless defended, should be spared, and every safeguard should be invoked to protect noncombatants against attack from the air.”

He saw no reason why this conference, while recognizing the necessity of a deliberate consideration, by an appropriate commission of jurists, of detailed rules of land warfare, should not adopt a simple declaration of that kind.

Senator Schanzer, he concluded, had stated that he desired to bring forward a resolution for that purpose.

Senator Schanzer said that the Italian delegation approved the proposal which aimed at the convocation of a conference for the

study of the rules of aerial warfare; but they believed that certain principles of international law existed in relation to the use of aerial weapons, which deserved to be solemnly proclaimed by the present conference.

Since the Italian delegation accepted, for humane reasons, the prohibition of the use of submarines for the destruction of merchant vessels, they felt it their duty now, consistent with principles of justice and coherence, to advance in their turn a proposal concerning the use of military airplanes and airships and of all other warlike weapons for the bombardment of open towns.

Everybody recalled the horrors and atrocities perpetrated by the Germans and their allies during the last war, when open towns were bombarded with so large a sacrifice of lives of noncombatants—women and children. In certain countries many towns suffered by such bombardments, which were a menace not only to the peaceful inhabitants, but also to historic buildings, to monuments, to immortal works of art which certain towns possessed, and which were the patrimony not only of the towns directly smitten, or of the nation to which the town belonged, but of the whole of humanity.

Senator Schanzer then read the following draft resolution:

"The signatory powers, desiring to secure the enforcement of the rules of international law tending to the prohibition of the bombardment of undefended towns, villages, dwellings, and buildings by aircraft, declare that they consider the said prohibition as part of the existing international law, and agree to be bound thereby as between themselves and to invite all other civilized nations to adhere thereto."

Admiral de Bon said he fully subscribed to the views expressed by Senator Schanzer. The French delegation considered that the conference which was to examine into the laws of aerial warfare might advantageously establish rules; but Admiral de Bon wished to recall the fact that the matter of the bombardment of unfortified cities was provided for in The Hague convention of 1907, which stated in article 25:

"It is forbidden to attack or to bombard by any means whatever, towns, villages, dwellings, or buildings that are not defended."

What this conference was about to do was, therefore, already regulated by international law. During the late war unfortified cities were attacked not only by airplanes, but by land and naval artillery. Thus, in the first period of the war, the ports of northern Africa were bombarded by German cruisers. There already existed, therefore, principles of international law to which appeal might be made.

Mr. Root said that there was some uncertainty, or alleged uncertainty, in the application of The Hague rule regarding the bombardment of undefended towns to the action of aircraft. Of course, when the rule limited bombardment to defended towns, when it prohibited the bombardment of undefended towns, it had reference to military or naval operations against towns that afforded military obstacles to those operations, and as to those towns the provision was at the commander should notify the defended place, so that the civilians might have an opportunity to withdraw. As to the undefended towns, no one must bombard them at all.

Now, those distinctions did not seem to fit bombardments from the sky. No town was defended against such bombardment. If the rule were strictly applied, it did not prohibit the bombardment of Paris because of the fortifications surrounding Paris. It was a defended town. Most of the cities in Europe had some sort of defenses.

He fully sympathized with the view which Senator Schanzer took. If the committee were going to act, he wished Senator Schanzer would apply his very acute intellect toward making this rule more definitely applicable to the existing circumstances of aircraft and towns defended as against land attacks, but wholly undefended as against air attacks, and resolve the uncertainty that resulted from the fact that the rules were not made for air attacks. He thought the committee would render very useful service if it could do that, far beyond merely repeating a rule and leaving this uncertainty.

When one considered these two rules, that a defended town must not be bombarded without notice sufficient to enable the innocent—the women and the children and noncombatants—to withdraw, and that an undefended town must not be bombarded at all, when one considered those two rules, the spirit of them could prevent aircraft from bombarding any town whatever. Bombard a railroad junction, a station crossing? Yes. Bombard a munitions factory? Yes. But the center of an innocent population? No; not under any circumstances at all. For that reason, Mr. Root concluded, the rule was inadequate, and if the committee were going to speak they ought to make it adequate.

Senator Schanzer said the question of the bombardment of open towns had been raised because the experiences of the last war had been such that it appeared desirable that the rules of international law concerning this matter should be newly reaffirmed.

Since the draft resolution proposed had raised some doubts as to its interpretation, he did not insist on the formula he had presented, as the committee on the rules of war would be able to study the argument more thoroughly. The important thing for

him to record was that from the discussion which had taken place, the full adherence of all the delegations to the principle he had supported, appeared quite clearly. He noted with pleasure the statements made in this regard by Admiral de Bon and Mr. Root.

Admiral de Bon stated that the French delegation agreed wholly with Senator Schanzer and shared his opinion that unfortified cities should not be bombarded.

Mr. Balfour said that he entirely agreed with the views expressed by Senator Schanzer and Admiral de Bon.

The chairman asked whether it was Senator Schanzer's desire that the resolution be put to a vote.

Senator Schanzer said that he would not insist, as the committee had fully expressed the sense of the proposal.

The chairman said there seemed to be general acceptance of the spirit and purpose of the proposal made by Senator Schanzer. It was obvious from the discussion that in detail the matter was one which, like other rules relating to war, would require the most careful and probably protracted consideration of a commission of jurists, in order that the new situations which had been developed should be carefully considered, and rules framed with precision to meet them.

The chairman said that the committee was now considering the recommendation of the subcommittee that rules of warfare should be considered by a further conference. He suggested for the consideration of the committee that instead of taking that course, provision should be made for the creation through the action of the powers here represented, of a commission of jurists, which should, at an early date, take into consideration the question of rules of war which seemed to be demanded by new exigencies and revelations on the adaptation of new instruments of warfare to the end that recommendations might be presented to the powers for their acceptance. The chairman feared that a future conference, for example, dealing with a question of this technical character—technical in the sense that it would require very close study by jurists—would find itself much in the same position that the committee was in; it would have to wait until it was advised by legal experts.

Perhaps the best form that this could be put in, and the most practical action, would be for the powers here to agree to designate members of a commission of jurists, who should make a report and recommendations.

Sir Robert Borden said that at the previous meeting he had made a suggestion on this subject. He was, however, quite content that what he had said then should be left for the consideration of the proposed future conference or commission. Even a

commission of jurists would find extreme difficulty in dealing with a question so complicated in its nature. It was obvious that the present conference could not deal with it satisfactorily. Senator Root had observed that a railway junction or a munition factory might properly be subjected to bombardment. But inasmuch as modern warfare by its very nature involved all the energies of each nation engaged, it would be found that railway junctions, munition factories, and other such points of attack were everywhere scattered among the habitations of the innocent population. Accordingly, it would be necessary to consider how far and by what restrictions the bombardment of such points could be prevented; and, on the other hand, to consider whether it would be feasible to prohibit absolutely any attacks on such war objectives. The subject was an entirely proper one for some future commission or tribunal, but it should be considered whether or not the establishment of such a commission could be appropriately confined to the five powers here represented.

The chairman replied that it was his idea that it should not be so confined, but that the representatives of the five nations should initiate the project. He said that he supposed that a resolution for the constitution of such a commission of jurists would have to be considered most carefully in order that it should be framed with precision and that it might well be committed to the committee on drafting with instructions to bring in an appropriate resolution to the end sought. It might be sufficient now to declare the adherence of the committee in principle to this, that the nations here represented should provide for the appointment of a commission of jurists to consider the rules of war which were effected by the events of the late war, and also require investigation in the light of the development of new agencies of warfare; and he would ask if there was any objection to adherence to that principle, leaving the precise resolution to be formulated by the committee on drafting.

Mr. Balfour said^a that he thought the chairman was well advised in saying that this matter should probably be considered a little more closely than it was possible to consider it on an occasion like the present or in the present assembly. Therefore he welcomed the view that the matter should go before the drafting committee. He had, however, two suggestions to make which he hoped the drafting committee would consider. The first was that it would be most inadvisable, in his opinion, to limit the matter to jurists. That was a point which concerned not merely the framing of the law or the mode of fitting into the general tissue of our system of international law any new laws or rules that might be devised. For that purpose no doubt jurists were essential, and jurists should play a very great part in any inquiry such as that now proposed. But, after all, the people who had

seen those instruments at work, who knew what those instruments had involved in the past and what they were likely to involve in the future, should have more to say in regard to the framing of such rules than the most expert authority upon international law. He thought that they should play a not less important part in any inquiry which was made on the subject.

He did not know whether his second suggestion would meet with general approval, but he would very much like to see the area of inquiry reasonably limited. International law, and especially international law dealing with the laws of war, was extraordinarily complicated. He could not deny that it ought to be dealt with, and he could not see how anybody could deny it. For himself he could not refuse to accept the proposition that the mere fact of development of methods of warfare carried with it an almost inevitable corollary that the rules of warfare should be revised. But that subject was so complex and so enormous and was so certain to lead to much difference of opinion within the committee of experts and jurists that he would like to divide such an inquiry into two parts. The part of the general inquiry in which they were most interested, which had most usefully occupied some of the attention of the conference, was really adequately described in the list on the agenda which the chairman had brought forward on behalf of the Department of State at the beginning of their labors. Among the subdivisions on the subject of limitation of armaments there was the following sub-heading: "Rules for the control of new agencies of warfare." It seemed to him if that conference would limit, at all events in the first instance, the work of the mixed committee of experts and jurists to rules for the control of new agencies of warfare, they would be more likely to come to a speedy conclusion and much more likely to obtain a conclusion which would be unanimously adopted. He therefore suggested for the consideration of all his colleagues around that table whether that humbler but still all-important subject would not be sufficiently wide in its scope to occupy the attention of even the most powerful committee which they were able to provide for its investigation.

The chairman said that there was great force in the suggestions made by Mr. Balfour, and he, personally, had not the slightest objection to their adoption. It was not at all the intention that this proposed commission should consist of jurists who would work in disregard of the recommendations of technical experts. He supposed that the jurist representing each country would be advised very fully of all technical matters by both military and naval experts, but that when it came to the point of formulating the legal rules which should be adopted it would require the special training of jurists in order that the information and advice and proposals furnished by military and naval experts

could be adequately considered and those which were adopted suitably expressed. There was not, however, the slightest objection to having the commission itself enlarged, if that would seem to be desirable. He had found, however, that when it came to a question of drafting rules, the fewer there were who were actually engaged in the work the better the prospect of success; and while each one charged with the responsibility should have all the information available and the aid of all the experts who could possibly throw light upon the subject, a very few men competent in drafting, associated together for that purpose, could accomplish much more than a large committee.

He also felt the force of the suggestion of limiting the scope of the inquiry. That was very carefully considered when the tentative agenda was suggested, and the proposal made to which Mr. Balfour had referred.

It seemed to the chairman that the question of the method of constituting the commission and the scope of the inquiry to be intrusted to it could well be committed to the consideration of the committee on draft and the committee could await their recommendation. If that was agreeable to the delegates, he would simply assent in principle to the constitution of a commission for the purpose of dealing with the subject of rules of warfare in the light of the developments of the recent war.

Mr. Balfour said that, while he was perfectly ready to have the matter referred to the drafting committee, he would like to have reservations limiting the scope of the drafting committee's work, and asked the chairman's advice as to how this result might be attained.

The chairman assumed that both of the suggestions Mr. Balfour had made should be deemed as referred to the subcommittee on drafting and that it would take those into consideration as well as others that might be advanced in the course of the discussion, and that the committee should bring in a recommendation, which could then be discussed in the light of the arguments advanced for its support.

Mr. Balfour said that would be satisfactory.

After a vote was taken the chairman announced that the suggestions as to the references to the drafting committee were unanimously approved.

Thereupon, the committee adjourned until Tuesday, January 10, 1922, at 11 o'clock a. m.

NINETEENTH MEETING—FRIDAY, JANUARY 27, 1922, 4.15 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes; for Australia, Senator Pearce. Accompanied by Mr. Christie, Mr. Bajpai.

France.—Mr. Kammerer.

Italy.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

Japan.—Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Tomita.

The secretary general. Assisted by Mr. Pierrepont and Mr. Osborne. Mr. Camerlynck, interpreter.

1. The Nineteenth Meeting of the Committee on the Limitation of Armament was held Friday, January 27, 1922, in the Columbus Room of the Pan American Building at 4.15 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia); for France, Mr. Kammerer; for Italy, Senator Schanzer, Senator Albertini; for Japan, Baron Shidehara, Mr. Hanihara.

Secretaries and advisers present included: For the United States, Mr. Wright; for the British Empire, Mr. Christie, Mr. Bajpai; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Tomita.

The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Osborné, was present. Mr. Camerlynck, interpreter, was also present.

3. The chairman (Mr. Hughes) called for any outstanding reports from subcommittees.

Mr. Root said he was instructed by the subcommittee, the five-power drafting committee, to report that they had agreed upon the following resolution:

"Resolution for a commission of jurists.—The United States of America, the British Empire, France, Italy, and Japan have agreed:

"I. That a commission composed of not more than two members representing each of the above-mentioned powers shall be constituted to consider the following questions:

"(a) Do existing rules of international law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present conference, which after consultation with the powers

concerned will fix the day and place for the meeting of the commission.

" III. That the commission shall be at liberty to request assistance and advice from experts in international law and in land, naval, and aerial warfare.

" IV. That the commission shall report its conclusions to each of the powers represented in its membership.

" Those powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized powers."

The chairman asked whether discussion of the resolution was desired. No discussion being desired, the delegations were polled, each voted affirmatively, and the chairman announced that the resolution had been unanimously adopted.

The chairman then asked whether there was any further business.

Mr. Kammerer asked whether it would not be advisable to embody this resolution in the text of the agreement in regard to submarines and the use of poisonous gases in warfare.

Mr. Root said he thought Mr. Kammerer's suggestion might involve a little difficulty in procedure. Under the provisions regarding submarines and gas, the adherence of other powers was to be immediately requested. He thought that it would be unwise to complicate that with this other provision, under which there would be no adherence called for until after a report of the commission and the acceptance of it by the five powers, after which the adherence of other powers would be called for. Provisions which called for no adherence by other powers would thus be put into the treaty, together with provisions which called for immediate adherence.

The chairman said that, if there was nothing further to be done at the present time, and if agreeable to the committee, adjournment might be taken. Of course, as soon as the Naval Treaty was in readiness, the chairman would call a meeting of the committee.

The committee then adjourned, subject to the call of the chair.

TWENTIETH MEETING—TUESDAY, JANUARY 31, 1922, 3.30 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand).

land), Mr. Sastri (for India). Accompanied by Mr. Christie, Mr. Malkin, Mr. Mousley.

France.—Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Count Pagliano, Commander Prince Ruspoli, Mr. Bruno Averardi.

Japan.—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Capt. Uyeda, Mr. Sugimura, Mr. Ichihashi.

The secretary general. Accompanied by Mr. Cresson, Mr. Pierrepont, Mr. Wilson. Mr. Camerlynck, interpreter.

1. The twentieth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Building on Tuesday, January 31, 1922, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Jusserand; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Mr. Christie, Mr. Malkin, Mr. Mousley; for France, Mr. Kammerer, Mr. Ponsot; for Italy, Count Pagliano, Commander Prince Ruspoli, Mr. Bruno Averardi; for Japan, Capt. Uyeda, Mr. Sugimura, Mr. Ichihashi.

The secretary general of the conference, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck (interpreter) was also present.

The chairman, Mr. Hughes, said he was glad to be able to report, from the subcommittee of fifteen which had had in charge the consideration of the proposals relating to the limitation of naval armament, that a conclusion had been reached unanimously and embodied in a proposed naval treaty. He presented the treaty to the committee. It was somewhat long, and he would not attempt to read it. He assumed that it had been considered by each delegation, as it had been passed upon by the chiefs of delegations, with their experts, meeting in the subcommittee of fifteen. Of course, if it was desired by any of the delegates that the treaty should be reviewed at this time, article by article, that course would be taken. If he was right in the assumption that each chief of delegation had been over the treaty with his delegation, the chairman assumed that the committee could at once act upon it. The action he suggested was that the proposed form of treaty, as

passed by the subcommittee of fifteen, which embodied the conclusions reached with respect to the limitation of naval armament, be approved and reported to the conference at the plenary session which would be held the following day. The chairman asked if that course was agreeable.

As all delegations assented, the chairman said it was so ordered.

Mr. Jusserand said:

"Mr. President, I beg leave to submit to the committee a few observations. I should have liked to have presented them some time ago, but circumstances did not permit. There were other questions that came up besides this one of naval disarmament, and it was moreover difficult to explain myself without getting the necessary documents which were not very easy to procure.

"In the course of the last few weeks the country that I have represented in America for nearly 20 years has been censured with extreme severity, and I might use another word. The letters I have been receiving, the articles I have read, the conversations in which I have taken part, all this shows that a very grave misunderstanding is persisting in the minds of many as to the ideas of France, her faith and her aspirations. Many people continue to believe that although we are poor—and we are poor for reasons of which we are not ashamed—although we are poor, that we wanted to establish a great navy composed of big warships. Nothing of the kind. We are thinking only of the future time when that might be necessary, and when we might become less poor, in order that we might resume on the high seas the rank which we have ever held.

"To which I shall add: Of the countries which we expected to approve this ambition, our great maritime neighbor was, in our opinion, to be the foremost, since there are so many chances that our fleet may prove of use to Great Britain, and none I think that it should be harmful to her. In the course of the last hundred years three great wars have taken place in the world in which the British and French fleets have participated, and in these three wars they fought side by side for the same cause. Can anything different be imagined? We do not think so, we of France. And even if our English friends adopted a different opinion, we would not change ours.

"But the chief blame aimed at us has had for its cause the question of the submarines. People continue to be persuaded that we have a passion for these loathed machines and want to use them German fashion. All this is chiefly grounded on remarks made by the First Lord of the Admiralty at the sitting of December 30; they had an immense effect, still lasting, and were very hurtful to us. They were based on an article by Commander Castex, published in January, 1920, which is now famous but was not before, and I had trouble to find a copy to read.

"I have done so and found that, as for the tone of the article, it is rather paradoxical. The author passes sweeping judgments on many men and problems, and there are a number of points on which I disagree with him. He obviously finds pleasure in upsetting commonly prevailing ideas; he generously distributes blame to many, to the English, to the Germans, to the French.

"As to the substance of the article, its purpose—which could not be suspected from the extracts read to this committee—is to show the uselessness of privateering and "guerre de course" under any form, unless the country that has recourse to it is in actual possession of the high seas, through the number and force of her main ships. The author glances at the past, examines the fate of the great perturbers of the peace throughout ages, who thought they could win through their corsairs. But they lost the game. Whether they used wood or steel ships, sailing vessels or steamships, surface or submarine vessels, all under the same delusion, lacking a big fleet, they failed. He quotes the example of Louis XIV, of Napoleon the First, of the South in the Civil War, and lastly of the Germans in the great war, concluded by our common victory.

"Such is the purpose of the article. The quotations made from it by Lord Lee had for their object, I take it, to prove against Commander Castex, and as a consequence against our naval authorities, not to say against France herself, four things:

"First, that Capt. Castex is in favor of the hated submarine, the suppression of which is demanded by Great Britain from motives of humanity. Capt. Castex's belief is, as I have said, that the submarine may be useful to those who hold the mastery of the seas, an opinion which is not unfavorable to Great Britain. He is not, moreover, the only one to think that this device must continue to exist. In support of this assertion I beg to quote an authority which certainly our British friends will not decline to accept.

"'To go to the other extreme, as was suggested in some quarters after the armistice, and prohibit submarines altogether, is an equally unacceptable proposal. It is clear that, as in the case of mines, the weaker naval States would never consent to forego the right to employ such a useful defensive weapon as the submarine. Moreover, the idea of submersible warships is still comparatively new, and future developments may entirely change the aspect of this question. The only reasonable attitude to adopt is to insist that such vessels shall be subject to the same rules of warfare as any other type of warship.'

"This is drawn from the Law of Naval Warfare by J. A. Hall, lecturer on international law to admirals' secretaries' course, Portsmouth, second edition, London, 1921, p. 77.

"Second, Commander Castex is charged with seeing in the submarine a weapon for France—for ungrateful, therefore, and perfidious France—to smash the naval power of her present ally Great Britain. Lord Lee quoted a paragraph as follows:

" 'Thanks to the submarine, after many centuries of effort, thanks to the ingenuity of man, the instrument, the system, the martingale is at hand which will overthrow for good and all the naval power of the British Empire.'

"Lord Lee then spoke as follows:

" 'I have quoted this because, as I say, they are the utterances of a responsible member of the French naval staff, who at the time of writing was in a high position and was the actual head of a bureau.

" 'These things are known to our naval staff of course; indeed they were published to the world under the authority of the French naval staff.'

"The words 'will overthrow for good and all the naval power of the British Empire,' are not the words of a Frenchman, nor words that any Frenchman would approve. The quotation as given by Lord Lee began by three words indispensable for the understanding of the whole, which he did not include. They were: 'This is the way the Germans are reasoning.' Commander Castex was citing the point of view of the Germans, not the point of view of the French. The mistake is the more difficult to understand since not once but twice Commander Castex took the same precaution, saying on the preceding page: 'For our enemies these ships did represent, or at least they thought so, the new engine, the technical and material upsetting that was going to make every old teaching obsolete.'

"More than that, the very title of the article leaves no doubt as to its purport. In its complete form, which had not been quoted, it reads, 'Synthesis of submarine warfare—Characteristics of the German submarine warfare.' If, therefore, on account of those lines of Commander Castex cause for anxiety is found about something, it must be about the German enemies and not the French friends of Great Britain.

"Third, Commander Castex has been represented as approving of the infamous use made of submarines by Germany. All should be at a loss to understand how this claim could have been made, since the French officer expressed himself formally, clearly, and peremptorily in the opposite sense. After having said that the Germans could not be blamed simply because they used the submarine, he adds: 'The only reproach that can be set up against them is to have too frequently and in too many particular cases smeared their flag by conducting submarine warfare with barbarity and with an aggravation of odious acts. A useless and, moreover, a stupid cruelty, for it served in no way the pur-

pose of the war, and because in the end it turned against their own interest by raising against them the unanimous condemnation of the conscience of the civilized people of the world.'

"Am I not entitled to maintain not only that Commander Castex was not approving of these German ways and means but that he expressly condemned them?

"Commander Castex was also stated by Lord Lee to have made his own the views of Admiral Aube (a man of wild theories, whom I have well known, who, desiring the end of all wars, fancied that the ruthless use of torpedo boats would bring that to pass), but Commander Castex did not approve those views, he just blamed them, a difference worth noting.

"Fourth, it has also been said that Commander Castex was probably teaching in the French naval schools the theories thus attributed to him; and it has been said in such unkind and cruel words that my heart is still bleeding at the thought of them. Those words were as follows:

" 'Now, this officer, who is appointed principal lecturer to the senior officers' course, will, no doubt, unless a change of policy takes place, be pouring what we regard as this infamy and this poison into the ears of the serving officers of the French navy.'

"The answer to this," Mr. Jusserand continued, "is twofold and simple enough. There is no need for us to change our policy. Commander Castex can not teach what has been called that infamy, first, because he detests it; second, because his course of lectures has nothing to do with submarines, his subject being the organization of the general staff.

"The subject is so grave that I want to let you know what is actually taught in French naval schools as to the submarine and the German way of using it. The following extract will enlighten you:

" 'The submarine weapon has turned round against the raving maniacs who employed it and Germany's misfortune came not only from the defeat of her land armies, but in a very large measure from the incomprehension of those who, in her camp, have ordered it.

" 'The privateers' war is forbidden in the form which has been given it by the Germans. That the Germans may have considered the most solemn engagements as scraps of paper is their business. But it does not behoove Frenchmen to follow such shameful examples. The life of human societies, like that of men, rests on good faith, and the French have too often shown other people how loyal one should be to give up now, under the effect of surprise caused by the submarine war, give up what has been their glory in the past and may be again, I am persuaded, their force in the future.'

"It has been said," continued Mr. Jusserand, "that the article of Commander Castex was well known to the British naval staff. May I express regret that such lessons as are being given by Capt. Laurent, the author of the passage I have just quoted, and the subject of whose lectures is naval strategy, have apparently remained unknown to the same staff. The lesson I quoted can not be supposed to have had anything to do with the present discussion, for it was taught on June 1, 1920, and appears in Commander Laurent's printed text, volume II, page 107.

"In conclusion, I believe I am justified in saying that neither the infamy wrongly ascribed to Commander Castex nor any other is taught or ever shall be taught in any of those French naval schools from whence come the comrades of war that have fallen of late by the side of American and British officers and those of the other allied nations; nothing of the kind has ever been taught and never shall be.

"I beg to add one word. In the session of the 23d of December the chief of the British delegation—to whom I am bound by a friendship so ancient that since we began to know each other people were born who had time to grow up and cover themselves with glory in the course of the last war—mentioned that Great Britain alone was sufficiently equipped to combat submarine warfare, thanks to her gallant coast population, her fishermen, so expert in everything that concerns life at sea; and he said that Great Britain had used 3,676 submarine chasers, to the immense advantage of France, who had only 257, and that should the necessity ever again arise Great Britain would have to protect France again. On this point I collected information and found that at the beginning of the war all who could bear a rifle were sent to the front, and a good many of our sailors and fishermen are now sleeping their last sleep, not in the sea or along the coast, but in the trenches, facing north or east, facing Belgium and Alsace.

"When the pitiless submarine war was started by Germany we set to work and did our best to meet this new danger, helping ourselves and the common cause. We are still filled with admiration for England's sailors. All the world knows of our feelings for those gallant and heroic men at home, on the sea; a model of all nations. From common testimony, however, our population also, our Bretons and Normans, Gascons and Provençals did creditably, and they manned in the perilous waters of western or southern Europe not 257 ships but over 1,300.

"Our British friends, who live in a country of fair play while we live in the country of 'franc jeu,' will not find it amiss if I have found it necessary to present these few remarks. It is because we attach so much value to the friendship and considera-

tion of the great people that the British are that I have thought these rectifications indispensable."

Lord Lee said he was not aware that the matter just discussed was to be raised at that time, and therefore he was not in a position to reply in the detailed way which might have been possible if he had had with him the relevant papers or the actual articles to which Mr. Jusserand had referred. In any case, he did not think it would be necessary, in what he had to say, to take up point by point the various criticisms which Mr. Jusserand was good enough to make of his previous speech, and which Lord Lee took, if he might say so entirely in good part. He regarded Mr. Jusserand, of course, as fully justified in putting forward the opposite view. Still less had Lord Lee any desire to resurrect a controversy which could in any way impair the good relations which existed and which he hoped would always exist between their two countries.

He had to confess, however, that he was a little surprised at what seemed to him the whole-hearted and almost vehement defense which Mr. Jusserand had undertaken of the article which had been written by Commander Castex. It was true that Mr. Jusserand had said, at the commencement of his remarks, that there were certain passages with which he did not agree, but Lord Lee thought Mr. Jusserand would also admit that the burden of his speech that afternoon had been substantially a defense of the theories and the attitudes taken up by Capt. Castex in his article. He did not know whether his colleagues had all had an opportunity to read the article as a whole, but whatever might be the opinion with regard to this or that individual passage—and he would come to that in a moment—there could be no question whatsoever that the main thesis of the article, that its main purpose was, in the first place, to point out that the characteristics of German submarine warfare, that is to say, "unlimited submarine warfare," were inevitable in the circumstances of the late war and that the critics who denounced them were really taking up an unreasonable and almost absurd position. Capt. Castex ridiculed the objections to these methods of warfare, and even went so far as to claim that they had originated on the French side of the Rhine, like, as he said, so many other good ideas which the Germans had adopted. That was the general tone and the whole tenor of the article.

He could not believe, although his knowledge of French naturally did not equal that of M. Jusserand's, that there was any other possible interpretation of the whole spirit of the article, however full it might be of paradoxical observations. He suggested that it was a very dangerous thing to indulge quite so liberally in paradoxes on such a subject as this distinguished

naval authority appeared to have done. It led to ambiguities and to misunderstandings, possibly of a very serious character.

His main point was—and he was prepared, of course, if he had misrepresented any particular passage or the bearing of any particular passage—to withdraw any observation that he might have made upon it; but he did not withdraw for one moment the general feeling of condemnation and horror which he thought anyone reading the article as a whole must have felt for the views which Capt. Castex there expressed and championed. He was glad to see, moreover, that they were condemned by no one in more vigorous terms than by Capt. Castex's brother officer, Admiral de Bon, who described them as "monstrosities"—that was his phrase, if he recalled it aright; and it was almost as promptly, at any rate on the first opportunity, repudiated in the most formal manner by M. Sarraut, speaking on behalf of the French Government. It was, therefore, expressly condemned in the first place by the great service to which Capt. Castex belonged, and secondly, by the accredited representative of the French Government.

Directly that was done, Lord Lee took the first opportunity, here in this room, of accepting, in the most whole-hearted way, the repudiation by the French Government of the article and the sentiments contained in it. He further expressed the hope that the incident would be regarded as satisfactorily closed; and was so given to understand in the reply which M. Sarraut was good enough to make on that occasion.

Not having the article here, and not knowing the subject was coming up this afternoon, Lord Lee was not in a position to analyze the particular passages which M. Jusserand had just quoted, but his own view was that although some of them may possibly have been conceived in the spirit of paradox, they are also ambiguous, and that whatever might be M. Jusserand's view of them, from reading the article, Lord Lee could not conceive any doubt whatsoever as to what was in the mind of Capt. Castex, and that was that he was a whole-hearted supporter of the necessity of the German system of unlimited submarine warfare, which had been stigmatized as piracy by this conference in the formal resolutions proposed by Mr. Root.

M. Jusserand made it a further cause of offense that he, Lord Lee, suggested that Capt. Castex might be teaching these views to the officers' course, of which he has been appointed a principal lecturer. Well, if an officer held views of that character, which Capt. Castex thought of sufficient importance, and which were deemed of sufficient importance to be published in the representative service technical publication "under the authority of the general staff"—although they were careful in all such cases to say they did not necessarily take responsibility for what was

said—it was a fair assumption that, holding those views, and having expressed them so prominently, Capt. Castex should continue to expound them to the officers to whom he lectured in the course of his duty. Lord Lee was very glad to know that such was not to be the case, as it obviously could not now be the case, in view of both the professional and the political repudiation of those views by the Government under which Capt. Castex served.

He said that M. Jusserand had then spoken of another matter. He had talked of the part that France had played in the late war on the seas. No one who had not, like Lord Lee, had the honor of representing the British Admiralty, could know what a great part France had played, to the utmost limit of her ability. Nothing, the speaker said, was further from his intention, or that of Mr. Balfour, than to suggest the smallest reproach of France for not having been able, with all her other obligations, to put forth a greater effort for the suppression of the submarine. All knew she did her utmost. But this must be said in regard to the late controversy on the submarine: The situation of the late war might occur again in years to come. In that war practically the whole burden of dealing with the submarine menace which had affected France, as it had affected Great Britain, was thrown upon the latter power. He remembered Admiral de Bon saying that no one could recall without profound emotion the sacrifices, burdens, and anxieties that were thrown upon Great Britain as the result of that submarine campaign. In these circumstances, and knowing how nearly that campaign had succeeded, he must remind France that Great Britain might not be in a position to do it again, and to put forth another effort sufficient to defend both France and herself. He had therefore ventured to urge, in the interest of both their countries, that submarines should be suppressed altogether, because without that suppression that perilous situation might recur.

That was the main, and the stated, reason for the desire of the British to abolish submarines, and that was why the British Empire delegation regretted so deeply that France, knowing all the circumstances, should have refused their request and should have insisted upon forcing this intolerable burden upon them in a future war, if the circumstances should recur.

Lord Lee did not want to embark upon what might be considered a controversial reply to M. Jusserand about France's desire not to increase her naval armaments. He knew nothing of the desire or motives of France in that matter. All the British Empire delegation said was that as a matter of fact France was proposing to treble her existing fleet of submarines. They objected strongly to that, and they had stated their objections, and they did not wish, on this occasion, to enlarge upon them

again. They, on the other hand, desired in every way to limit armament. They had reduced their own navy drastically, at this conference, and had gone further, since the commencement of the conference, to show their good will and their desire to assist France and to relieve her from these unnecessary burdens. They had offered her a guarantee by the whole of their armed forces by land, sea, and air, to protect her against any aggression on her coasts. They had done everything that was possible in that way to show their good will and good faith, and they had desired in all these matters to work with and to assist France. Therefore, he would say as a final word, and with an apology to his colleagues for having detained them so long, that he desired from the depths of his heart to see not only maintained but improved the good relations that existed between Great Britain and her great neighbor across the Channel, and it was the desire of his country, and certainly his own desire, that no word should be said that could in any way impair that good feeling. He hoped, just as his French friends and Allies hoped, that Great Britain and France should go forward together in these matters, not only as friends and Allies, but hand in hand for the reconstruction of Europe and civilization.

Mr. Jusserand said "I shall say only one word. I note with profound satisfaction the last remark made by the First Lord of the Admiralty. With that I agree from my heart and I may assure him that all my compatriots will. But I can not admit the statement that if the submarine be preserved it is owing to France; one more of those many unpleasant things reported as having been caused by France, when such is not the case. As a matter of fact the vote against the British proposal was unanimous, including the United States, both through their delegation and their unanimous advisory committee. Lord Lee has again spoken of our intention of building a large number of submarines. We shall in reality build them or not in accordance with our needs and our means. That Commander Castex really condemned the submarine, German fashion, I can not better prove than by reading again the passage quoted a moment ago."

Lord Lee interrupted to say: "I only say he cited those special occasions as having spoiled the German case, which he otherwise thought was a good one."

Mr. Jusserand then remarked "I don't understand it that way," and continued with his speech:

"What I said of the paradoxical disposition of Commander Castex referred chiefly to his sweeping historical remarks, like those on 'perturburs' being represented as always mystical. I do not believe Napoleon was, nor Julius Caesar. As for the condemnation of Commander Castex by Mr. Sarraut and Admiral

de Bon, both condemned what was unexpectedly quoted of him, neither knowing then the real text. But I do not desire to insist. With Lord Lee, I am ready to leave the question to the judgment of our colleagues when they have a chance of reading the whole article under discussion. Allow me to close by repeating that, of the words uttered in this controversy, the last pronounced by Lord Lee are the ones which I chiefly want to remember."

The chairman called attention to the fact that there was still one matter which, perhaps, might be passed upon that afternoon. He brought this before the committee, knowing the general desire to conclude its work and hoping to assist, if possible, in attaining that end. This was a draft of a proposed treaty which embodied the resolutions previously adopted with respect to submarines and poison gas. He understood that the French text had received the approval of Mr. Kammerer of the French delegation.

Inasmuch as this treaty contained nothing new, the substantive matter being the resolutions which had been adopted and the formal matters being conventional, he would, with the committee's consent, read it. If the committee should desire to take it under further consideration, that would be done. If not, perhaps the committee would authorize its presentation at the plenary session the following day.

The chairman then read the draft treaty, as follows:

"The United States of America, the British Empire, France, Italy, and Japan, hereinafter referred to as signatory powers, desiring to make more effectively the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a treaty to this effect, and have appointed as their plenipotentiaries (and so forth).

"Who, having communicated their full powers, found in good and due form, have agreed as follows:

" I.

"The signatory powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law:

"(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

" II.

"The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

" III.

"The signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.

" IV.

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

" V.

"The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties,

"The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

" VI.

"The present treaty shall be ratified as soon as possible in accordance with the constitutional methods of the signatory powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

"The Government of the United States of America will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

"The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States of America, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

" VII.

"The Government of the United States of America will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

"Any nonsignatory power may adhere to the present treaty by communicating an instrument of adherence to the Government of the United States of America, which will thereupon transmit to each of the signatory and adhering powers a certified copy of each instrument of adherence.

"In faith whereof the above-named plenipotentiaries have signed the present treaty.

"Done at the city of Washington the —— day of February, 1922."

The chairman stated that this was not presented for discussion at this time. It had been drawn by Mr. Root, and the chairman understood that it followed the text of the resolutions precisely, except in conventional matters, such as the introduction and conclusion. If any delegates desired this to be held over, it would be held over. If, however, the committee was ready to have it go in in that form, it would be presented at the next plenary session and that much more would be out of the way.

He asked the pleasure of the committee.

Mr. Balfour said that he was much embarrassed about this. He agreed, of course, to the substance of all the chairman had read. There was a question, however, that he would like to ask

Mr. Root. He asked if that would be in order and was assured that it would.

Continuing, Mr. Balfour said the question had been raised that morning at a meeting of the British delegation, and the point was this: The proposed treaty seemed to be perfectly clear and satisfactory as between the powers represented at this table. The difficulty was as follows: He was afraid it was very easy to conceive a case in which, for instance, one of the five powers represented around this table might be at war with another signatory power having as an ally some nation not agreeing to the treaty. An ambiguous and difficult situation would result. He would like Mr. Root's opinion upon a point which seemed, at least to some of his friends, not to be without difficulty and embarrassment. The apparent difficulty would be almost unthinkable. It would mean one of these countries represented at this table being at war with another power at the table, who had an ally not represented at the table. He did not mean to press the matter, but he was given to understand that that was a point that was in the minds of many. He did not think it had received much consideration, and as the treaty would have to run the gauntlet of many severe criticisms, like other treaties, he would like to know what Mr. Root's advice on the point was.

Mr. Root said he thought that was one of the things which it was quite impossible to provide for in the treaty. No agreement could be made in the application of which questions would not arise in the future. If the members of the committee were to try to guard against all conceivable situations to which this agreement between them was to be applied, they would make a treaty as long as the moral law. Now, they were making this treaty between themselves and they must assume that it would be carried out in good faith. If another power that was not bound by the treaty should come along and create a situation to which the treaty did not apply, then it would not apply; but that would have to be determined by the conditions and the facts as they arose. He could not believe that there would be any real embarrassment.

Mr. Balfour said that he would not press the matter.

Senator Schanzer stated that the Italian delegation shared the anxieties to which Mr. Balfour referred, and he thought that he had raised very opportunely the question concerning the execution of the treaty in the case of war with a power which had neither signed nor adhered to the treaty itself. If one of the five great signatory powers should find itself in war with another of the five signatory powers and the latter should be allied with a nonsignatory or nonadherent power, it was clear that the first-

mentioned power could not afford to find itself bound by the duties imposed by the treaty. In effect, the nonsignatory or non-adherent powers would be free to make unlimited use of submarines, poisonous gases, etc., and would do it not only in its own interest, but also in the interest of the great powers to which it was allied. He wished to repeat that in these conditions it was clear that the execution of the provisions of the treaty would cease to be effective. He could agree with Mr. Root that it was not absolutely indispensable to provide for this case by a special stipulation in the treaty, but it was nevertheless desirable that the interpretation given to-day should be registered in the minutes of the committee.

The chairman stated that what had been said would be recorded in the minutes. He asked if the committee was ready to act upon the treaty and to accept it for submission at the next plenary session. All assented, and he declared further that the treaty was accepted and that course would be taken.

He then asked if the committee would consent to adjourn, so that a meeting of the Far Eastern committee might be held.

Sir John Salmond said he would like to raise one question before adjournment; that was whether these two treaties were to be given any distinguishing title or name by the committee. There were to be a number of treaties, and there ought to be some method of referring to them in public and of distinguishing them.

The chairman said that had been considered and it was thought inadvisable to put in the treaty anything like a popular name; but the treaties would be given names by the public just the same. Of course, already there was the name "The Four Power Treaty." There was the preamble which expressed the purpose of the treaty, to reduce the burdens of competition in naval armament. Of course, there would be the naval armament treaty and then the submarine treaty, as he supposed it would popularly be called. In other words, while it might not be just the thing for the committee to designate the treaties by any popular name, some appropriate name for them would undoubtedly be adopted.

He suggested that the committee might leave it to the public to name them.

Sir John Salmond thought the committee should not leave it to the public to name the treaties, but should name them itself, and asked if there was any objection to adding a subclause giving them a recognized name, or to effecting the same purpose by a resolution of the committee, that this should be known as so-and-so; for instance, the "Naval Treaty of Washington," and the second treaty as the "Declaration of Washington," not as the

submarine treaty, but as the "Declaration of Washington," corresponding to the Declaration of Paris or the Declaration of London. In the same way the treaty with respect to the Pacific might be appropriately termed the Washington-Pacific treaty rather than the four power treaty or the four power pact, or some other popular name or misnomer that the newspapers might choose. He suggested that the committee itself ought to take the responsibility of naming and christening its work.

The chairman said that to bring this to a point—and he did not desire to be considered as hurrying the committee, but he was under obligation to release certain delegates as soon as possible—he would assume that Sir John Salmond had moved that the first treaty be regarded as the "Naval Treaty of Washington," and asked if the committee was ready to act upon it.

Senator Schanzer stated that he did not agree with Sir John Salmond's view that it was a tradition to give a name to a treaty, but that a treaty was named by the place, the date, and the parties that took part. It seemed to him there was no necessity for christening them, or at least it was not done in other countries.

The chairman said he understood that the Italian delegation voted "No" on the proposal of Sir John Salmon. (Senator Schanzer indicated that the chairman's understanding was correct.) This was a tribunal—and he had in mind a legal friend who, he knew, would like to be a member of such a tribunal—where the dissenting opinion was the prevailing opinion. He declared the motion lost. He added that whether the committee resolved or did not resolve, these treaties would be named, and all the members of the committee could do, in his opinion, was to be as good prophets as possible in trying to hit the names that the public would adopt.

The committee then adjourned subject to the call of the Chair, and the chairman asked the Committee on Pacific and Far Eastern Questions to assemble.

TWENTY-FIRST MEETING—FRIDAY, FEBRUARY 3, 1922, 5.40 P. M.

PRESENT.

United States.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright.

British Empire.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Satri (for India). Accompanied by Mr. Christie, Mr. Bajpai.

France.—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Ponsot.

Italy.—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

Japan.—Admiral Baron Kato, Baron Shidehara. Accompanied by Mr. Hanihara, Mr. Saburi.

The secretary general. Accompanied by Mr. Cresson and Mr. Paul.

Mr. Talamon and Mr. Camerlynck, interpreters.

1. The twenty-first meeting of the committee on limitation of armament was held on Friday, February 3, 1922, in the Columbus Room, Pan-American Building at 5.40 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright; for the British Empire, Mr. Christie, Mr. Bajpai; for France, Mr. Kammerer, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi.

The secretary general, accompanied by Mr. Cresson and Mr. Paul, was present. Mr. Talamon and Mr. Camerlynck (interpreters) were also present.

The chairman, Mr. Hughes, said he had the following resolution to propose:

“Resolved, That it is not the intention of the powers agreeing to the appointment of a commission to consider and report upon the rules of international law respecting new agencies of warfare, that the commission shall review or report upon the rules or definitions relating to submarines or the use of noxious gases and chemicals already adopted by the powers in this conference.”

The chairman said that Mr. Root had drawn this resolution in order that the treaty which he (Mr. Root) had presented to the conference two days previously should not be deemed to be a subject for revision in the committee to be appointed with regard to rules of warfare.

He asked if there was any objection to this resolution, and added that the United States of America assented. The other delegations, being polled, each voted in the affirmative, and the

chairman announced that the resolution had been unanimously adopted.

The chairman asked if there was any other matter that any delegate desired to bring before the committee. If not, the last resolution to be adopted was one similar to that adopted in the committee on Pacific and Far Eastern questions. He proposed that the minutes which had been corrected on behalf of all the delegations should stand approved, and that each delegation should appoint a representative to make such corrections as might be necessary in the minutes which had not yet been corrected, and that, as thus finally corrected, the minutes of the committee should all stand approved, and that the secretary general should arrange for their publication in permanent form.

Senator Schanzer said he assumed that the minutes would be ready as soon as possible, because the delegates were preparing to leave.

The chairman said he understood that the very point of this resolution was that several of the delegates were leaving on Monday, and that the minutes would not be ready by Monday, but that the delegations could appoint somebody, in their diplomatic missions in Washington, perhaps, to approve the minutes.

Senator Schanzer said that it would be impossible for persons who were not present at the meetings to correct the speeches.

The chairman said he had just been advised by the secretary general that all of the uncorrected minutes would have been distributed by the following afternoon.

Lord Lee said that he did not like the proceedings of the committee to be closed without referring to how much they owed to the labors of one individual, a gentleman who was not present that afternoon, and of whom he, therefore, might speak more freely. He referred to the American chairman of the technical subcommittee which had prepared the ground for all the decisions of the committee. He referred to Col. Roosevelt. Perhaps he was entitled to speak of him especially because he had been continuously associated with him in the arduous and most successful work he had undertaken in preparing the ground for the committee, and he was able to testify at first hand and at short range to how much the committee owed to him. Perhaps he might be permitted to recall the fact that when he first came to Washington, 25 years ago, seated in the same chair of the Assistant Secretary of the Navy, was another Theodore Roosevelt, then comparatively unknown, who displayed the same zeal, enthusiasm, and technical knowledge of his duties that the present chairman of that committee had displayed. He could not help feeling that the ability and the success which Col. Roosevelt had shown in

this, the first of his official tasks, in Washington, was of a character which would not only bring joy and pride to his father's heart, but a peculiar satisfaction to all his father's old friends.

The chairman said that he was greatly pleased at the remarks of Lord Lee with regard to the work of Col. Roosevelt, and the high commendation which Lord Lee had given, he thought, was richly deserved. He wished to express personally his appreciation of Col. Roosevelt's indefatigable and intelligent labors.

Thereupon, at 6 o'clock p. m., the committee adjourned sine die.

REPORT OF THE AMERICAN DELEGATION SUBMITTED TO THE PRESIDENT FEBRUARY 9, 1922.

[Names of personnel of conference, etc., omitted.]

FIRST.

LIMITATION OF ARMAMENT.

It was recognized at the outset that it would be difficult, if not impossible, to provide at this Conference for the limitation of land forces.

So far as the army of the United States is concerned, there was no question presented. It has always been the policy of the United States to have the regular military establishment upon the smallest possible basis. At the time of the Armistice there were in the field and in training in the American Army upwards of 4,000,000 men. At once, upon the signing of the Armistice, demobilization began and it was practically completed in the course of the following year, and to-day our regular establishment numbers less than 160,000 men. The British Empire has also reduced its land forces to a minimum. The situation on the Continent was vividly depicted in an eloquent address by M. Briand, speaking for the Government of France, in which he stated his conclusions as follows:

"The thought of reducing the armaments, which was the noble purpose of this conference, is not one from which we would feel disinterested from the point of view of land armaments. We have shown that already. Immediately after the armistice demobilization began, and demobilization began as rapidly and as completely as possible. According to the military laws of France there are to be three classes of men; that is, three generations of young men under the flag. That law is still extant; that law is still valid. It has not been abrogated yet, and the Government has taken the responsibility to reduce to two years the time spent under the flag, and instead of three classes—three generations of young men—we have only two that are doing military service. It is therefore an immediate reduction by one-third that has already taken place in the effectives—and I am speaking of the normal effectives of the metropolis, leaving aside troops needed for colonial occupation or the obligation imposed by the treaty in Rhineland or countries under plebescite.

We did not think that endeavor was sufficient, and in the future we have plans in order to further restrict the extent of our army. In a few days it is certain that the proposals of the Government will be passed in the Chamber, and in order to further reduce the military service by half. That is to say, there will be only one class and a half actually serving. The metropolitan French army would be therefore reduced by half, but if anybody asks us to go further, to consent to other reductions, I should have to answer clearly and definitely that it would be impossible for us to do it without exposing ourselves to a most serious danger.

"You might possibly come and tell us, 'This danger that you are exposed to, we see it, we realize it, and we are going to share it with you. We are going to offer you all means—put all means at your disposal in order to secure your safety.' Immediately, if we heard those words, of course we would strike upon another plan. We should be only too pleased to demonstrate the sincerity of our purpose. But we understand the difficulties and the necessities of the statesmen of other countries. We understand the position of other peoples who have also to face difficult and troublous situations. We are not selfish enough to ask other people to give a part of their sovereign national independence in order to turn it to our benefit and come to our help. We do not expect it; but here I am appealing to your consciences. If France is to remain alone, facing the situation such as I have described, and without any exaggeration, you must not deny her what she wants in order to insure her security. You must let her do what she has to do, if need arise and if the time comes."

* * * * *

"If by direction given to the labors of the Conference it were possible somewhere over there in Europe—if it were possible to say that the outcome of this Conference is indirect blame and opprobrium cast upon France—if it was possible to point out France as the only country in the world that is still imperialistic, as the only country that opposes final disarmament, then, gentlemen, indeed this Conference would have dealt us a severe blow; but I am quite sure that nothing is further from your minds and from your intentions. If after listening to this argument, after weighing the reasons which you have just heard, you consider it then as valid, then, gentlemen, you will still be with us and you will agree with me in saying that France can not possibly do anything but what she has actually done."

Senator Schanzer described the Italian situation as follows:

"It is far from my mind to discuss what France considers indispensable for her national safety. That safety is as dear to us as it may be to them, and we are still morally by the side of our allies of yesterday and our friends of to-day.

"I wanted to say this. Only may I be allowed to express the wish and the hope that the general limitation of land armament may become a reality within the shortest possible space of time. Italy has fought the war for the highest aims which a country can seek, but Italy is in her soul a peace-loving nation. I shall not repeat what I had the honor to state at the first meeting of the Conference, but I should like to emphasize again that Italy is one of the surest factors of the world's peace, that she has no reason whatsoever of conflict with any other country, that she is following and putting constantly into action a policy inspired by the principle of maintaining peace among all nations.

"Italy has succeeded in coming to a direct understanding with the Serb, Croat, and Slovene people and in order to attain such an end had made considerable sacrifices for the interest of the peace of Europe. Italy has pursued toward the successor countries to her former enemies a policy not only of pacification, but of assistance. And when a conflict arose between Austria and Hungary, a conflict which might have dragged into war the Danubian peoples, has offered to the two countries in conflict her friendly help in order to settle the dispute. Italy has succeeded and in so doing has actively contributed to the peace of Europe.

"Moreover, Italy has acted similarly within her own frontiers and has reduced her armed forces in the largest possible measure. She has considerably curtailed her navy expenditures in comparison to the pre-war time. The total amount of her armed forces does not exceed 200,000 men and a further reduction to 175,000 men is already planned, and 35,000 colored troops.

"Our ordinary war budget for the present financial year amounts to \$52,000,000, including \$11,000,000 expenses for police forces; the extraordinary part of the war budget, representing expenses dependent for the liquidation of the war, expenses therefore of a purely transitory character, amounts to \$62,000,000.

"However, although we have all reduced our armaments to the greatest possible extent, we consider it necessary, for a complete solution of the problem of limitation of armaments in Europe, to take into consideration the armaments of the countries either created or transformed as a result of the war. The problem is not a simple one. It must be considered as a whole. It is a serious and urgent problem, for which a solution at no far distant day is necessary."

Baron Kato spoke as follows:

"I would like to say this morning just a few words on land armament limitation. Japan is quite ready to announce her hearty approval of the principle which aims to relieve a people of heavy burdens by limiting land armaments to those which are necessary for national security and the maintenance of order within the territory.

"The size of the land armaments of each state should be determined by its peculiar geographical situation and other circumstances, and these basic factors are so divergent and complicated that an effort to draw final comparisons is hardly possible. If I may venture to say it, it is not an easy task to lay down a general scheme for the limitation of land armaments, as in the case of limitation of naval armaments. Nevertheless, Japan has not the slightest intention of maintaining land armaments which are in excess of those which are absolutely necessary for purely defensive purposes, necessitated by the Far Eastern situation."

Further consideration made it quite clear that no agreement for the limitation of land forces could be had at this time.

LIMITATION OF NAVAL ARMAMENT.

A different condition existed in relation to naval armament. It was believed by the Government of the United States that an agreement providing for a sweeping reduction and for an effective limitation for the future was entirely feasible. It was pointed out, after considering the failure of earlier endeavors for limitation of armaments that the Powers could no longer content themselves with investigations, with statistics, with reports, with the circumlocution of inquiry; that the time had come, and the Conference had been called, not for general resolutions or mutual advice, but for action.

The following general considerations were deemed to be pertinent.

"The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues its regulation is impracticable. There is only one adequate way out and that is to end it now.

"It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

"It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. The only hope of limita-

tion of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort."

But it was necessary to go beyond general observations. It was apparent that, in this field of opportunity, it was essential that the American Government, as the convener of the Conference, should be prepared with a definite and practicable plan. After the most careful consideration and detailed examination of the problem, with the aid of the experts of the American Navy, a plan was prepared and, under instructions of the President, was presented to the Conference by the American Delegation.

THE AMERICAN PLAN.

It was clear at the outset, and the negotiations during the Conference put it beyond doubt, that no agreement for the limitation of naval armament could be effected which did not embrace the navies of France and Italy. At the same time, it was recognized that neither of these nations, in view of the extraordinary conditions due to the World War, affecting their existing naval strength, could be expected to make the sacrifices which necessarily would lie at the basis of an agreement for limitation. These sacrifices could, however, be reasonably expected of the United States, the British Empire, and Japan, and these were the Powers then actually engaged in the competitive building of warships. The American plan, therefore, temporarily postponed the consideration of the navies of France and Italy and definitely proposed a program of limitation for the United States, British Empire, and Japan. The proposal was one of renunciation of building programs, of scrapping of existing ships, and of establishing an agreed ratio of naval strength. It was a proposal of sacrifices, and the American Government, in making the proposal, at once stated the sacrifices which it was ready to make and upon the basis of which alone it asked commensurate sacrifices from others.

The American plan rested upon the application of these four general principles:

"(1) That all capital-shipbuilding programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the Powers concerned;

"(4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

More specifically, the plan in relation to capital ships was as follows:

"CAPITAL SHIPS.

"*United States:*

"The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over \$330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

"The United States proposes, if this plan is accepted—

"(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

"The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

"(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

"Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

"*Great Britain:*

"The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

"It is proposed that Great Britain—

"(1) Shall stop further construction of the four new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

"(2) Shall, in addition, scrap her predreadnaughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

"These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

"The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

"*Japan:*

"It is proposed that Japan—

"(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7, and No. 8 battleships, and Nos. 5, 6, 7, and 8, battle cruisers.

"It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

"(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa* and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain matériel has been assembled).

"The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

"(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

"The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448,928 tons.

"Thus under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships, built and building, with a total tonnage of 1,878,043.

"It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

"The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

"Replacement:

"With respect to replacement, the United States proposes:

"(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

"(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

	Tons.
For the United States_____	500,000
For Great Britain_____	500,000
For Japan_____	300,000

"(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

"(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons."

This proposal was presented on behalf of the American Delegation at the first session of the Conference, and at once evoked from the other delegates expressions of assent in principle. The question of a definite agreement, however, presented many difficulties requiring protracted negotiations, in which a conclusion was not finally reached until January 31, 1922, when the draft of the proposed Naval Treaty was adopted in the Committee on Limitation of Armament.

CAPITAL SHIP RATIO.

It was obvious that no agreement for limitation was possible if the three Powers were not content to take as a basis their actual existing naval strength. General considerations of national need, aspirations and expectations, policy and program, could be brought forward by each Power in justification of some hypothetical relation of naval strength with no result but profitless and interminable discussion. The solution was to take what the Powers actually had, as it was manifest that neither could better its relative position unless it won in the race which it was the object of the Conference to end. It was impossible to terminate competition in naval armament if the Powers were to condition their agreement upon the advantages they hoped to gain in the competition itself. Accordingly, when the argument was presented by Japan that a better ratio—that is, one more favorable to Japan than that assigned by the American plan—should be adopted and emphasis was placed upon the asserted needs of Japan, the answer was made that if Japan was entitled to a better ratio upon the basis of actual existing naval strength, it should be, but otherwise it could not be, accepted. The American plan fixed the ratio between the United States, the British Empire, and Japan as 5-5-3 or 10-10-6; Great Britain at once agreed, but the Japanese Government desired a ratio of 10-10-7.

There was general agreement that the American rule for determining existing naval strength was correct; that is, that it should be determined according to capital ship tonnage. There was, however, a further question and that was as to what should

be embraced for that purpose within the capital ship tonnage of each nation. It was the position of the American Government that paper programs should not be counted, but only ships laid down or upon which money had been spent. It was also the position of the American Government that ships in course of construction should be counted to the extent to which construction had already progressed at the time of the convening of the Conference. The latter position was strongly contested by Japan upon the ground that a ship was not a ship unless it was completed and ready to fight. It was pointed out, however, that in case of an emergency a warship which was 90 per cent completed was to that extent ready and that only the remaining 10 per cent of construction was necessary; and, similarly, in the case of a ship 70 per cent or 50 per cent or other per cent completed, the work done was so much of naval strength in hand. It was also pointed out that it did not follow that because a ship had been completed that it was ready for action; it might be out of repair; its engines, boilers, apparatus, armament, might need replacement. It was idle to attempt to determine naval strength on supposed readiness for action at a given day. Objections could be made to any standard of measurement, but the most practicable standard was to take the existing capital ship tonnage, including the percentage of construction already effected in the case of ships which were being built. It was added that the American Government, while ready to sacrifice, in accordance with the terms of its proposal, its battleships and battle cruisers in course of construction, was not willing to ignore the percentage of naval strength represented by over \$300,000,000 expended on the unfinished ships.

The American Government submitted to the British and Japanese naval experts its records with respect to the extent of the work which had been done on the ships under construction, and the negotiations resulted in an acceptance by both Great Britain and Japan of the ratio which the American Government had proposed.

FORTIFICATIONS IN THE PACIFIC.

Before assenting to this ratio the Japanese Government desired assurances with regard to the increase of fortifications and naval bases in the Pacific Ocean. It was insisted that while the capital ship ratio proposed by the American Government might be acceptable under existing conditions, it could not be regarded as acceptable by the Japanese Government if the Government of the United States should fortify or establish additional naval bases in the Pacific Ocean.

The American Government took the position that it could not entertain any question as to the fortifications of its own coasts

or of the Hawaiian Islands, with respect to which it must remain entirely unrestricted. Despite the fact that the American Government did not entertain any aggressive purpose whatever, it was recognized that the fortification of other insular possessions in the Pacific might be regarded from the Japanese standpoint as creating a new naval situation, and as constituting a menace to Japan, and hence the American Delegation expressed itself as willing to maintain the *status quo* as to fortifications and naval bases in its insular possessions in the Pacific, except as above stated, if Japan and the British Empire would do the like. It was recognized that no limitation should be made with respect to the main islands of Japan or Australia and New Zealand, with their adjacent islands, any more than with respect to the insular possessions adjacent to the coast of the United States, including Alaska and the Panama Canal Zone, or the Hawaiian Islands. The case of the Aleutian Islands, stretching out toward Japan, was a special one and had its counterpart in that of the Kurile Islands belonging to Japan and reaching out to the northeast toward the Aleutians. It was finally agreed that the *status quo* should be maintained as to both these groups.

After prolonged negotiations, the three Powers—the United States, the British Empire and Japan—made an agreement that the *status quo* at the time of the signing of the Naval Treaty, with regard to fortifications and naval bases, should be maintained in their respective territories and possessions, which were specified as follows (Naval Treaty, Article XIX);

“(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

“(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

“(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: The Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.”

The same article of the treaty also contains the following provision with respect to the meaning of the maintenance of the *status quo*:

“The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall

be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace."

THE CASE OF THE "MUTSU."

Among the ships which the American Government proposed should be scrapped by Japan was the *Mutsu*. It was the understanding of the American Government that this ship was still incomplete at the time of the meeting of the Conference, although it was nearly completed; that is, to the extent of about 98 per cent. It was proposed to be scrapped as all other ships which were in course of construction; thus the Government of the United States included among its own ships which were to be scrapped two ships which were about 90 per cent completed.

The Japanese Delegation, however, insisted that the *Mutsu* had actually been finished, was commissioned and fully manned before the Conference met. Apart from this point, this latest accession to the Japanese Navy was the especial pride of the Japanese people. It was their finest war vessel and, it is understood, had been built, in part at least, through popular subscriptions and in circumstances evoking patriotic pride in the highest degree.

It was deemed by the Japanese Delegation to be quite impossible to induce the consent of their Government to any proposal of limitation which would involve the scrapping of the *Mutsu*. Its retention, however, created serious difficulties because of the disproportion of advantage that would accrue to Japan through the possession of such a ship. Japan offered to scrap the *Settsu*, one of the older ships that was to have been retained by Japan under the American plan, and also recognized that the gain to Japan through the *Mutsu* should be offset by the completion on the part of the United States of two of her battleships under construction and by the construction on the part of Great Britain of two new ships.

It was accordingly agreed that the Government of the United States should finish two ships of the *West Virginia* class that were under construction, and on their completion should scrap the *North Dakota* and the *Delaware*, which under the original plan were to have been retained. Great Britain on her part was to be permitted to build two new ships, and upon their completion was to scrap four (4) of the older ships which would otherwise have been retained. In this way the balance of the three navies was kept. Nor was there any serious change in the final

agreement establishing the maximum limits of the capital ship replacement tonnage. The original American plan had called for the following:

United States, 500,000 tons.

British Empire, 500,000 tons.

Japan, 300,000 tons.

The plan as modified became:

United States, 525,000 tons.

British Empire, 525,000 tons.

Japan, 315,000 tons.

Thus maintaining the ratio of 5-5-3.

An important concession was made by Great Britain with respect to the two new ships which she was permitted to build. Great Britain, as stated in the American proposal, had already planned four (4) new Hoods. These ships had been designed and considerable time would have been saved in proceeding to build the two new ships according to the existing plans, but the new ships were designed greatly to exceed in tonnage any existing ship; their tonnage displacement, it is understood, was to be about 49,000 tons. Great Britain agreed not only to abandon her program for the four (4) new Hoods, but in building the two new ships that they should not exceed 35,000 tons standard displacement, respectively.

Thus with respect to capital ships the United States, the British Empire, and Japan were able to reach an agreement, but this was tentative and depended upon a suitable agreement being reached with France and Italy.

FRANCE AND ITALY.

The scheme of reduction accepted by the United States, Great Britain, and Japan involved the scrapping of capital ships to the extent of approximately 40 per cent of the existing strength. It was realized that no such reduction could be asked of either France or Italy and that the case of their navies required special consideration.

France had seven (7) dreadnaughts with a tonnage of 164,500 tons, and three (3) predreadnaughts, making a total of about 221,000 tons. In the case of the United States, Great Britain, and Japan it was provided that their predreadnaughts should be scrapped without any provision for replacement, and there was to be, in addition, a reduction of about 40 per cent of the naval strength represented by dreadnaughts and superdreadnaughts. Reducing in the same proportion as the United States has reduced, France's tonnage of capital ships would be fixed at 102,000 tons, or, if the predreadnaughts of France were taken into the calculation on her side although omitted on the side of the United States,

the total tonnage of France's capital ships being taken at 221,000 tons, a reduction on the same basis would leave France with only 136,000 tons. This was deemed to be impracticable. It was thought entirely fair, however, that France, in the replacement schedule, should be allowed a maximum tonnage equivalent to the existing tonnage of her seven (7) dreadnaughts with a slight increase; that is, that the maximum limit of capital ships, for the purpose of replacement, should be fixed at 175,000 tons.

Italy sought parity with France, and this principle having been accepted in the course of the discussion, it was likewise proposed that Italy should be allowed 175,000 tons of capital ships in replacement. The present tonnage of Italy is about 182,800 tons. The proposed maximum limit of 175,000 tons was at once accepted by Italy.

France expressed the desire to be allowed 10 capital ships, which, at a tonnage of 35,000 tons each, would have given her 350,000 tons. This was deemed to be excessive as a part of a plan for the limitation of armament, and, had it been insisted upon, would probably have made impossible an agreement for an effective limitation of capital ship tonnage. But, after discussion, France consented to the maximum limit of 175,000 tons for capital ships.

AUXILIARY CRAFT.

In the original American proposal it was stated that the allowance of auxiliary combatant craft to each Power should be in proportion to the capital ship tonnage. The proposal for the three Powers—the United States, Great Britain, and Japan—was that the total tonnage of cruisers, flotilla leaders, and destroyers allowed each Power should be as follows:

United States, 450,000 tons.

Great Britain, 450,000 tons.

Japan, 270,000 tons.

And that the total tonnage of submarines allowed each of these Powers should be:

United States, 90,000 tons.

Great Britain, 90,000 tons.

Japan, 54,000 tons.

In the same proportion as the capital ship tonnage, this would have left for France and Italy, in the case of cruisers, flotilla leaders and destroyers, a maximum of 150,000 tons for each of these Powers; and, in the case of submarines, a maximum of 30,000 tons each.

The American Delegation felt that the original proposal for submarines was too high, and, aided by the advice of our naval experts, proposed that the maximum limit for the United States and Great Britain in submarine tonnage should be 60,000 tons each; and that France, Japan, and Italy should retain the tonnage

in submarines that they now have; that is, should maintain the *status quo* as regards submarine tonnage. It was understood that the present submarine tonnage of France was 31,391 tons; of Japan 31,452 tons, and of Italy somewhat less, about 21,000 tons. This proposition was not accepted, being opposed both by Japan and France. Japan stated her willingness to adhere to the original proposal, which allowed her 54,000 tons in submarines.

In accepting the allowance for capital ships, France had made a distinct reservation. It was said that it would be impossible for the French Government to accept reductions for light cruisers, torpedo boats, and submarines corresponding to those which were accepted for capital ships. Accordingly, France maintained that her necessities required that she should be allowed 330,000 tons for cruisers, etc., and 90,000 tons for submarines.

M. Sarraut thus stated the position of the French Government:

"After examining, on the other hand, the composition of the forces needed by France in auxiliary craft and submarines, which are specially intended for the protection of her territory and its communications, the Cabinet and the Supreme Council of National Defense have reached the conclusion that it is impossible to accept a limitation below that of 330,000 tons for auxiliary craft and 90,000 tons for submarines, without imperiling the vital interests of the country and of its colonies and the safety of their naval life.

"The French Delegation has been instructed to consent to no concession on the above figures.

"To sum up, France accepts, as regards capital ships, the sacrifice which she must face in order to meet the views of the Conference and which represents an important reduction of her normal sea power. She limits the program of the future establishment of her fleet to 330,000 tons for auxiliary craft and to 90,000 tons for submarines."

In view of the insistence on the part of the French Delegation that they could not abate their requirements as to auxiliary craft and submarines, the British Delegation stated that they were unable to consent to a limitation of auxiliary craft adapted to meet submarines.

For this reason it was found to be impossible to carry out the American plan so far as limitation of auxiliary craft and submarines was concerned.

THE NAVAL TREATY.

The agreement finally reached was set forth in the Naval Treaty, signed on February 6, 1922.

With respect to capital ships, while there are certain changes in detail, the integrity of the plan proposed on behalf of the American Government has been maintained, and the spirit in which that

proposal was made, and in which it was received, dominated the entire negotiations and brought them to a successful conclusion.

The treaty is in three chapters:

(1) A chapter containing the general principles or provisions relating to the limitation of naval armament.

(2) A chapter containing rules for the execution of the agreement.

(3) A chapter containing certain miscellaneous provisions.

Without following the order of this arrangement, the substance of the treaty may be thus stated:

The first subject with which the treaty deals is that of the limitations as to capital ships, which are defined as follows:

"A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement or which carries a gun with a caliber exceeding 8 inches (203 millimeters)." (Ch. II, Pt. 4.)

The treaty specifies the capital ships which each of the five Powers may retain. Thus, the United States of America is to retain 18 capital ships, with a tonnage of 500,650 tons; the British Empire 22 capital ships, with a tonnage of 580,450 tons; France 10 ships, of 221,170 tons; Italy 10 ships of 182,800 tons; Japan 10 ships, of 301,320 tons. (Ch. II, Pt. 1.)

In reaching this result, the age factor in the case of the respective navies has received consideration.

The treaty provides that all other capital ships of these Powers, either built or building, are to be scrapped or disposed of as provided in the treaty. (Art. II.)

It is provided that the present building programs are to be abandoned and that there is to be no building of capital ships hereafter except in replacement and as the treaty provides. (Art. III.)

It may be useful to make a comparison of this result with the proposal which was made at the beginning of the Conference on behalf of the American Delegation. That proposal set forth that 18 ships were to be retained by the United States with a tonnage of 500,650 tons. In this treaty the same ships are to be retained.

In that proposal there were set forth 22 capital ships to be retained by the British Empire. Under the treaty the same number of ships is to be retained, in fact, the same ships, with the single exception of the substitution of the *Thunderer* for the *Erin*, with a total tonnage of 580,450, as against the calculation in the original proposal of 604,450 tons for ships retained.

In the case of Japan, the proposal set forth 10 ships to be retained. By the treaty, the same number of ships is to be retained, the difference being that the *Mutsu* is to be retained and the *Settsu* (which was to have been retained) is to be scrapped.

The tonnage retained by Japan, as calculated in the original proposal, was 299,700 tons. The tonnage retained under the treaty is 301,320.

The effect of the retention of the *Mutsu* by Japan was to make necessary certain changes to which reference has already been made, and for which the treaty provides. These changes are:

In the case of the United States, it is provided that two ships of the *West Virginia* class, now under construction, may be completed, and that on their completion two of the ships which were to have been retained, the *North Dakota*, and the *Delaware*, are to be scrapped.

In the case of the British Empire, two new ships may be built, not exceeding 35,000 tons each; and on completion of these two ships, four ships, the *Thunderer*, *King George V*, the *Ajax*, and the *Centurion*, are to be scrapped.

In the case of Japan, as has been said, the difference is that the *Mutsu* is retained and the *Settsu* scrapped.

Aside from these changes, the principles set forth in the American proposal in relation to capital ships have been applied, and the capital ship program is in its essence carried out.

A further comparison may be made with respect to ships to be scrapped.

In the case of the United States, it was proposed to scrap all capital ships now under construction, that is to say 15 ships, in various stages of construction. Instead, 13 of these ships are to be scrapped or disposed of. The total number of capital ships which were to be scrapped by the United States, or disposed of, was stated to be 30. Under the treaty, the number is 28, with a very slight difference in total tonnage.

In the case of Great Britain, the construction of the 4 great Hoods has been abandoned, and while Great Britain is to have 2 new ships, limited to 35,000 tons each, 4 of the retained ships are to be scrapped, as already stated, when these 2 ships are completed.

It was also provided in the original proposal that Great Britain should scrap her predreadnaughts, second line battleships and first line battleships, up to and not including the *King George V*. These ships, with certain predreadnaughts which it was understood had already been scrapped, would amount to 19 capital ships, with a tonnage reduction on this account of 411,375 tons. This provision is substantially unaffected by the treaty, the fact being that under the treaty 20 ships are to be scrapped instead of 19 that were mentioned in the proposal.

In the case of Japan, the proposal was that Japan—

“(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7 and No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.”

This proposal has been carried out and the program has been abandoned by Japan.

"(2) Shall scrap 3 capital ships (the *Mutsu*, launched; the *Tosa* and *Kago*, in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled). The total number of new capital ships to be scrapped under this program is 7. The total tonnage of these capital ships when completed would be 289,100 tons."

Under the treaty Japan is to scrap all the ships mentioned with the exception of the *Mutsu*.

"(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships with a total tonnage of 159,828 tons."

Under the treaty 10 ships are scrapped, including the *Settsu* instead of excluding it.

There are certain special provisions with regard to capital ships which should be mentioned in order that there may be no misapprehension, although the matter itself is insignificant. In the tables in Section II of Chapter II, Part 3, it is provided that the United States may retain the *Oregon* and *Illinois* for noncombatant purposes after they have been emasculated in accordance with certain provisions of the treaty. There is a sentimental reason for the retention of the *Oregon*, which it is understood the State of Oregon desires to possess.

The British Empire is permitted to retain the *Colossus* and the *Collingswood* for noncombatant purposes after they have been emasculated. These have already been withdrawn from combatant use.

There is also a provision in the case of Japan that 2 of her older ships, over 20 years old, the *Shikashima* and the *Asahi*, which were to be scrapped, may be retained for noncombatant purposes after they have been emasculated, as stated.

The matter of scrapping is not left to conjecture or to the decision of each of the Powers taken separately, but is carefully defined by the treaty in Part 2 of Chapter II, as follows:

"RULES FOR SCRAPPING VESSELS OF WAR.

"I. A vessel to be scrapped must be placed in such a condition that can not be put to combatant use.

"II. This result must be finally effected in any one of the following ways:

"(a) Permanent sinking of the vessel;

"(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers, and armor, and all deck, side, and bottom plating;

“(c) Converting the vessel to target use, exclusively * * * Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.”

There is a special provision in the case of France and Italy that they may severally retain two seagoing vessels for training purposes exclusively; that is, as gunnery or torpedo schools. The treaty describes the vessels, or the class to which they belong, and France and Italy undertake to remove and destroy their conning towers and not to use them as vessels of war.

There is also provision as to the two stages of scrapping. The first stage is intended to render the ship incapable of further warlike service and is to be immediately undertaken. The process is set forth in great detail in respect to removal of guns or machinery for working hydraulic or electric mountings, or fire-control instruments and range finders, or ammunition, explosives, and mines, or torpedoes, war-heads and torpedo tubes, or wireless telegraphy installations, the conning tower and all side armor, etc. (Ch. II, Pt. 2, Sec. III, Subdivision A.)

In the case of vessels that are to be immediately scrapped, the work of rendering them incapable of further warlike service is to be completed within six months from the time of the coming into force of the treaty and the scrapping is to be finally effected within 18 months from that time. In the case of vessels which are to be scrapped after the completion of the new ships which may be built by the United States and the British Empire, respectively, the work of rendering the vessel incapable of further warlike service is to be commenced not later than the date of the completion of its successor and is to be finished within six months from that time. The vessel is to be finally scrapped within 18 months from that date.

The treaty provides the maximum replacement limits as follows:

United States.....	525, 000 tons.
British Empire.....	525, 000 tons.
France.....	175, 000 tons.
Italy.....	175, 000 tons.
Japan.....	315, 000 tons.

The size of each of the capital ships is limited to 35,000 tons; it is also provided that no capital ship shall carry a gun of a calibre in excess of 16 inches. The provisions for replacements of capital ships are set forth in charts, which form Section II of Part 3 of Chapter II of the treaty.

In the case of the United States, the British Empire and Japan, aside from the two ships that may be completed by the United States and the two which may be built by the British Empire, the first replacement is to begin with the laying down of ships in the year 1931, for completion in 1934, and replacement takes place thereafter according to the age of the ships.

In the case of France and Italy, the first replacement is permitted for laying down in 1927 for completion in 1930 in the case of France and in 1931 in the case of Italy.

The treaty also deals with aircraft carriers.

"An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be." (Ch. II, Pt. 4.)

The total tonnage allowed for aircraft carriers is limited as follows: (Art. VII.)

For the United States.....	135,000 tons.
British Empire.....	135,000 tons.
France.....	60,000 tons.
Italy.....	60,000 tons.
Japan.....	81,000 tons.

In view of the experimental nature of the existence of aircraft carriers, that fact is recognized and there is provision for replacement without regard to age. (Art. VIII.)

The maximum limit of each aircraft carrier is 27,000 tons. There is, however, a special exception which permits Contracting Powers to build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons.

What has been said with regard to the disposition of existing capital ships and their scrapping is to be qualified by the statement that in order to effect economy any of the Contracting Powers may use, for the purpose of constructing aircraft carriers as defined, any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the treaty, and these may be of a tonnage of not more than 33,000 tons. (Art. IX.)

The general provision as to the armament of aircraft carriers is that if it has guns exceeding six inches, the total number of guns shall not exceed 10. It can not carry a gun in excess of 8 inches. It may carry without limit 5-inch guns and antiaircraft guns. (Art. X.)

In the case of aircraft carriers of 33,000 tons, the total number of guns to be carried, in case any of such guns are of caliber exceeding 6 inches, except antiaircraft guns and guns not exceeding five inches, can not number more than 8. (Art. IX.)

With respect to auxiliary craft, the treaty provides that no vessel of war exceeding 10,000 tons, other than capital ships or aircraft carriers, shall be acquired by or constructed by, for, or within the jurisdiction of any of the Contracting Powers. Ves-

sels not specially built as fighting ships nor taken in time of peace under Government control for fighting purposes which are employed on fleet duties, or as troop transports, or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, are not within this limitation. (Art. XI.)

The treaty contains certain provisions of a protective nature; that is, for the purpose of securing the faithful execution of the agreement.

Thus it is provided that no vessel of war of any of the Contracting Powers hereafter laid down, except a capital ship, shall carry a gun in excess of 8 inches (Art. XII); that no ship designated in the treaty to be scrapped may be reconverted into a vessel of war (Art. XIII); that no preparations shall be made in merchant ships in time of peace for the installation of war-like armament for the purpose of converting such ships into vessels of war, other than the necessary stiffening of the decks for the mounting of guns not exceeding 6 inches. (Art. XIV.)

There are also provisions with respect to the building of vessels for foreign powers. Thus, no vessel of war constructed within the jurisdiction of any of the Contracting Powers, for a noncontracting power, shall exceed the limits as to displacement and armament prescribed by the treaty for vessels of a similar type, constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a noncontracting power shall not exceed 27,000 tons. (Art. XV.)

It is provided that a Contracting Power, within the jurisdiction of which a vessel of war is constructed for a noncontracting power, shall give suitable information to the other Contracting Powers. (Art. XVI.)

Further, in the event of a Contracting Power being engaged in war, such Power is not to use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power or which may have been constructed within its jurisdiction for another power and not delivered. (Art. XVII.)

Each of the Contracting Powers undertakes not to dispose, by gift, sale, or any mode of transfer, of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power (Art. XVIII). It is recorded in the proceedings of the Conference that this undertaking is regarded as binding as a matter of honor upon the Powers from the date of the signing of the treaty.

Reference has already been made to the provision relating to the maintenance of the status quo as to fortifications and naval bases in the Pacific Ocean.

If, during the term of the treaty, which is 15 years, the requirements of the national security of any of the Contracting Powers, in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers agree, at the request of such Power, to meet in conference with a view to the reconsideration of the provisions of the treaty and its amendment by mutual agreement. (Art. XXI.)

It is further provided that in view of possible technical and scientific developments the United States, after consultation with the other Contracting Powers, shall arrange for a Conference of all the Contracting Powers, which shall convene as soon as possible after the expiration of 8 years from the coming into force of the treaty, to consider what changes, if any, may be necessary to meet such developments. (Art. XXI.)

There is a special provision as to the effect of an outbreak of war. The mere fact that one of the Contracting Powers becomes engaged in war does not affect the obligations of the treaty. But if a Contracting Power becomes engaged in a war which, in its opinion, affects the naval defence of its national security, such Power may, after notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present treaty, other than certain specified obligations, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension. In such a case the remaining Contracting Powers agree to consult together and ascertain what temporary modifications may be required. If such consultation does not produce an agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of the Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present treaty, except as specified. On the cessation of hostilities the Contracting Powers agree to meet in Conference to consider what modifications, if any, should be made in the provisions of the treaty. (Art. XXII.)

The treaty is to remain in force until December 31, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the treaty, it is to continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers; whereupon the treaty shall terminate as regards all the Contracting Powers. (Art. XXIII.)

This is a summary of the engagements of the Naval Treaty. Probably no more significant treaty was ever made. Instead of discussing the desirability of diminishing the burdens of naval

armament, the Conference has succeeded in limiting them to an important degree.

It is obvious that this agreement means ultimately an enormous saving of money and the lifting of a heavy and unnecessary burden. The treaty absolutely stops the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired. No national interest has been sacrificed; a wasteful production of unnecessary armament has been ended.

While it was desired that an agreement should be reached for the limitation of auxiliary craft and submarines, its importance should not be overestimated. Limitation has been effected where it was most needed, both with respect to the avoidance of the heaviest outlays and with reference to the promptings to war, which may be found in excessive preparation. Moreover, it is far from probable that the absence of limitation, in the other field, will lead to production of either auxiliary craft or submarines in excess of their normal relation to capital ships. Peoples are not in a mood for unnecessary naval expenditures.

The limitation of capital ships, in itself, substantially meets the existing need, and its indirect effect will be to stop the inordinate production of any sort of naval craft.

RULES FOR CONTROL OF NEW AGENCIES OF WARFARE.

SUBMARINES.

The British Delegation submitted a proposition for the abolition of submarines. This proposal was put upon the records in the following form:

"The British Empire Delegation desired formally to place on record this opinion that the use of submarines, whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment."

The proposal was discussed at length, the British Delegation bringing forward in its support arguments of great force based upon the experience of Great Britain in the recent war. It met with opposition from France, Italy, and Japan.

The American Delegation not only had the opinion of their naval advisers in opposition to the proposal, but also had received a careful report upon the subject from the Advisory Committee of Twenty-One appointed by the President. This report was presented by the American Delegation as setting forth in a succinct manner the position of their Government. In this report it was stated:

"Unlimited submarine warfare should be outlawed. Laws should be drawn up prescribing the methods of procedure of submarines against merchant vessels both neutral and belligerent. These rules should accord with the rules observed by surface craft. Laws should also be made which prohibit the use of false flags and offensive arming of merchant vessels. The use of false flags has already ceased in land warfare. No one can prevent an enemy from running 'amuck,' but immediately he does he outlaws himself and invites sure defeat by bringing down the wrath of the world upon his head. If the submarine is required to operate under the same rule as combatant surface vessels no objection can be raised as to its use against merchant vessels. The individual captains of submarines are no more likely to violate instructions from their government upon this point than are captains of any other type of ship acting independently.

"SUBMARINES AGAINST COMBATANT SHIPS.

"Against enemy men of war the submarine may be likened to the advance guard on land which hides in a tree or uses underbrush to conceal itself. If the infantry in its advance encounters an ambush, it suffers greatly even if it is not totally annihilated. However, an ambush is entirely legitimate. In the same fashion a submarine strikes the advancing enemy from concealment and no nation cries out against this form of attack as illegal. Its Navy simply becomes more vigilant, moves faster and uses its surface scouts to protect itself.

"The submarine carries the same weapons as surface vessels, i. e., torpedoes, mines, and guns. There is no prohibition of their use on surface craft and there can be none on submarines. Submarines are particularly well adapted to use mines and torpedoes. They can approach to the desired spot without being seen, lay their mines or discharge their torpedoes, and make their escape.

"The best defense against them is eternal vigilance and high speed. This causes added fatigue to the personnel and greater wear to the machinery. The continued menace of submarines in the vicinity may so wear down a fleet that when it meets the enemy it will be so exhausted as to make its defeat a simple matter.

"The submarine as a man-of-war has a very vital part to play. It has come to stay. It may strike without warning against combatant vessels, as surface ships may do also, but must be required to observe the prescribed rules of surface craft when opposing merchantmen, as at other times.

"THE SUBMARINE AS A SCOUT.

"As a scout the submarine has great possibilities—it is the one type of vessel able to proceed unsupported into distant enemy

waters and maintain itself to observe and report enemy movements. At present its principal handicaps are poor habitability and lack of radio power to transmit its information. However, these may be overcome in some degree in the future. Here, again, the submarine has come to stay—it has great value, a legitimate use, and no nation can decry its employment in this fashion.

* * * * *

“The submarine is particularly an instrument of weak naval powers. The business of the world is carried on upon the surface of the sea. Any navy which is dominant on the surface prefers to rely on that superiority; while navies comparatively weak may but threaten that dominance by developing a new form of attack to attain success through surprise. Hence submarines have offered and secured advantages until the method of successful counterattack has been developed.

“The United States Navy lacks a proper number of cruisers. The few we have would be unable to cover the necessary area to obtain information. Submarines could greatly assist them as they can not be driven in by enemy scouts.

“The cost per annum of maintaining 100,000 tons of submarines fully manned and ready is about thirty million dollars. For the work which will be required of them in an emergency, this cost is small when taken in connection with the entire Navy. The retention of a large submarine force may at some future time result in the United States holding its outlying possessions. If these colonies once fall the expenditure of men necessary to recapture them will be tremendous and may result in a drawn war which would really be a United States defeat. The United States needs a large submarine force to protect its interests.

“The Committee is therefore of the opinion that unlimited warfare by submarines on commerce should be outlawed. The right of visit and search must be exercised by submarines under the same rules as for surface vessels. It does not approve limitation in size of submarines.”

Illegal Submarine Warfare—Use of Submarines Against Merchant Ships—Poison Gas.

While the Conference was unable either to abolish or to limit submarines, it stated, with clarity and force, the existing rules of international law which condemned the abhorrent practices followed in the recent war in the use of submarines against merchant vessels. The resolutions adopted by the Conference as to the use of submarines against merchant vessels, and with respect to the use of poison gas, were put in the form of a treaty

which was signed on February 6, 1922. The substantive portions of this treaty are as follows:

" I.

"The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law:

"(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

" II.

"The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

" III.

"The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of these rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

" IV.

"The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating,

as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

“V.

“The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties, to which a majority of the civilized Powers are parties.

“The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.”

Mr. Root, in presenting this treaty for the approval of the Conference, said:

“You will observe that this treaty does not undertake to codify international law in respect of visit, search, or seizure of merchant vessels. What it does undertake to do is to state the most important and effective provisions of the law of nations in regard to the treatment of merchant vessels by belligerent warships, and to declare that submarines are, under no circumstances, exempt from these humane rules for the protection of the life of innocent noncombatants.

“It undertakes further to stigmatize violation of these rules, and the doing to death of women and children and noncombatants by the wanton destruction of merchant vessels upon which they are passengers and by a violation of the laws of war, which as between these five great powers and all other civilized nations who shall give their adherence shall be henceforth punished as an act of piracy.

“It undertakes further to prevent temptation to the violation of these rules by the use of submarines for the capture of merchant vessels and to prohibit that use altogether. It undertakes further to denounce the use of poisonous gases and chemicals in war, as they were used to the horror of all civilization in the war of 1914-1918.

“Cynics have said that in the stress of war these rules will be violated. Cynics are always near-sighted, and often and usually the decisive facts lie beyond the range of their vision.

"We may grant that rules limiting the use of implements of warfare made between diplomatists will be violated in the stress of conflict. We may grant that the most solemn obligation assumed by governments in respect of the use of implements of war will be violated in the stress of conflict; but beyond diplomatists and beyond governments there rests the public opinion of the civilized world, and the public opinion of the world can punish. It can bring its sanction to the support of a prohibition with as terrible consequences as any criminal statute of Congress or of Parliament.

"We may grant that in matters which are complicated and difficult, where the facts are disputed and the argument is sophistic, public opinion may be confused and ineffective, yet when a rule of action, clear and simple, is based upon the fundamental ideas of humanity and right conduct, and the public opinion of the world has reached a decisive judgment upon it, that rule will be enforced by the greatest power known to human history, the power that is the hope of the world, will be a hope justified."

COMMISSION TO REVISE RULES OF WAR.

The Conference adopted the following resolution for the appointment of a commission to examine the rules made necessary by recent experience with respect to new agencies of warfare:

"I. That a commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:

"(a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development since the Hague Conference of 1907 of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which, after consultation with the Powers concerned, will fix the day and place for the meeting of the commission.

"III. That the commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval, and aerial warfare.

"IV. That the commission shall report its conclusions to each of the Powers represented in its membership.

“Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.”

A further resolution was adopted at the same time, as follows:

Resolved, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this Conference.”

AIRCRAFT.

It was found to be impracticable to adopt rules for the limitation of aircraft in number, size, or character, in view of the fact that such rules would be of little or no value unless the production of commercial aircraft were similarly restricted. It was deemed to be inadvisable thus to hamper the development of a facility which could not fail to be important in the progress of civilization.

SECOND.

PACIFIC AND FAR EASTERN QUESTIONS.

[This part of the Report of the American Delegation is omitted, except the reference to Mandated Islands and the General Summary. The full report is in Senate Document No. 126, 67th Congress, 2d session, pp. 819-868.]

MANDATED ISLANDS.

For some time there have been negotiations between the United States and Japan in relation to the so-called mandated islands in the Pacific Ocean north of the Equator. While the Conference was in session these negotiations resulted in an agreement between the American Government and the Japanese Government, which is to be embodied in a treaty. The points of agreement are as follows:

1. It is agreed that the United States shall have free access to the Island of Yap on the footing of entire equality with Japan or any other nation in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid by the United States or its nationals.

2. It is also agreed that the United States and its nationals are to be accorded the same rights and privileges with respect to radiotelegraphic service as with regard to cables. It is provided that so long as the Japanese Government shall maintain on the Island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships and shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations at Yap by the United States or its nationals shall be suspended.

3. It is further agreed that the United States shall enjoy in the Island of Yap the following rights, privileges, and exemptions in relation to electrical communications:

- (a) Rights of residence without restriction; and rights of acquisition and enjoyment and undisturbed possession, upon a footing of entire equality with Japan or any other nations or their respective nationals of all property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

- (b) No permit or license to be required for the enjoyment of any of these rights and privileges.

(c) Each country to be free to operate both ends of its cables either directly or through its nationals, including corporations or associations.

(d) No cable censorship or supervision of operation or messages.

(e) Free entry and exit for persons and property.

(f) No taxes, port, harbor, or landing charges, or exactions, either with respect to operation of cables or to property, persons, or vessels.

(g) No discriminatory police regulations.

4. Japan agrees that it will use its power of expropriation to secure to the United States needed property and facilities for the purpose of electrical communication in the Island, if such property or facilities can not otherwise be obtained. It is understood that the location and area of land to be so expropriated shall be arranged each time between the two Governments, according to the requirements of each case. American property and facilities for the purpose of electrical communication in the Island are to be exempt from the process of expropriation.

5. The United States consents to the administration by Japan of the mandated islands in the Pacific Ocean north of the Equator subjected to the above provisions with respect to the Island of Yap, and also subject to the following conditions:

“(a) The United States is to have the benefit of the engagements of Japan set forth in the mandate, particularly those as follows:

“ARTICLE 3.

“The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public work and services, and then only for adequate remuneration.

“The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending same.

“The supply of intoxicating spirits and beverages to the natives shall be prohibited.”

“ARTICLE 4.

“The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.”

“(b) With respect to missionaries, it is agreed that Japan shall ensure complete freedom of conscience and the free exercise of all forms of worship, which are consonant with public order and

morality, and that missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory. Japan shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

“(c) Japan agrees that vested American property rights will be maintained and respected.

“(d) It is agreed that the treaties between the United States and Japan now in force shall apply to the mandated islands.

“(e) It is agreed that any modifications in the Mandate are to be subject to the consent of the United States, and, further, that Japan will address to the United States a duplicate report on the administration of the Mandate.”

No agreement has yet been made with respect to the so-called mandated islands in the Pacific Ocean south of the Equator. The assent of the United States to these mandates has not yet been given, and the subject is left to negotiations between the United States and Great Britain.

No action was taken with respect to electrical communications in the Pacific. The allocation of the former German cables are matters to be dealt with by the five Principal Allied and Associated Powers and will be the subject of diplomatic negotiations.

GENERAL SUMMARY.

To estimate correctly the character and value of these several treaties, resolutions, and formal declarations, they should be considered as a whole. Each one contributes its part in combination with the others toward the establishment of conditions in which peaceful security will take the place of competitive preparation for war.

The declared object was, in the naval aspect, to stop the race of competitive building of warships which was in process and which was so distressingly like the competition that immediately preceded the war of 1914. Competitive armament, however, is the result of a state of mind in which a national expectation of attack by some other country causes preparation to meet the attack. To stop competition it was necessary to deal with the state of mind from which it results. A belief in the pacific intentions of other powers must be substituted for suspicion and apprehension.

The negotiations which led to the Four Power Treaty were the process of attaining that new state of mind, and the Four Power Treaty itself was the expression of that new state of mind. It terminated the Anglo-Japanese alliance and substituted friendly conference in place of war as the first reaction from any contro-

versies which might arise in the region of the Pacific; it would not have been possible except as part of a plan including a limitation and a reduction of naval armaments, but that limitation and reduction would not have been possible without the new relations established by the Four Power Treaty or something equivalent to it.

The new relations declared in the Four Power Treaty could not, however, inspire confidence or be reasonably assured of continuance without a specific understanding as to the relations of the powers to China. Such an understanding had two aspects. One related to securing fairer treatment of China, and the other related to the competition for trade and industrial advantages in China between the outside powers.

An agreement covering both of these grounds in a rather fundamental way was embodied in the first article of the general Nine Power Treaty regarding China. In order, however, to bring the rules set out in that article out of the realm of mere abstract propositions and make them practical rules of conduct it was necessary to provide for applying them so far as the present conditions of government and social order in China permit. This was done by the remaining provisions of the general Nine Power Treaty and Chinese Customs Treaty and the series of formal resolutions adopted by the Conference in its Plenary Sessions and the formal declarations made a part of the record of the Conference.

The scope of action by the Conference in dealing with Chinese affairs was much limited by the disturbed conditions of government in China which have existed since the revolution of 1911, and which still exist, and which render effective action by that government exceedingly difficult and in some directions impracticable. In every case the action of the Conference was taken with primary reference to giving the greatest help possible to the Chinese people in developing a stable and effective government really representative of the people of China. Much was accomplished in that direction, and the rules of conduct set forth in the first article of the General Treaty regarding China have not merely received the assent of the Powers but have been accepted and applied to concrete cases.

The sum total of the action taken in the Conference regarding China, together with the return of Shantung by direct agreement between China and Japan, the withdrawal of the most unsatisfactory of the so-called "twenty-one demands," and the explicit declaration of Japan regarding the closely connected territory of Eastern Siberia, justify the relation of confidence and good will expressed in the Four Power Treaty and upon which the reduction of armament provided in the Naval Treaty may be contemplated with a sense of security.

In conclusion, we may be permitted to quote the words of the President in closing the Conference :

"This Conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith plighted here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

"Stripped to the simplest fact, what is the spectacle which has inspired a new hope for the world? Gathered about this table nine great nations of the world—not all, to be sure, but those most directly concerned with the problems at hand—have met and have conferred on questions of great import and common concern, on problems menacing their peaceful relationship, on burdens threatening a common peril. In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the Conference has spread.

"I am sure the people of the United States are supremely gratified, and yet there is scant appreciation how marvelously you have wrought. When the days were dragging and agreements were delayed, when there were obstacles within and hindrances without, few stopped to realize that here was a conference of sovereign powers where only unanimous agreement could be made the rule. Majorities could not decide without impinging national rights. There were no victors to command, no vanquished to yield. All had voluntarily to agree in translating the conscience of our civilization and give concrete expression to world opinion.

"And you have agreed in spite of all difficulties, and the agreements are proclaimed to the world. No new standards of national honor have been sought, but the indictments of national dishonor have been drawn, and the world is ready to proclaim the odiousness of perfidy or infamy.

* * * * *

"It has been the fortune of this Conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horrors, to gain the benefit of both the hatred of war and the yearning for peace. Too often, heretofore, the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown, no reaction in regret or resentment ever can justify resort to arms.

"It little matters what we appraise as the outstanding accomplishments. Any one of them alone would have justified

the Conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

"You have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a world war is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

"Not all the world is yet tranquillized. But here is the example, to imbue with new hope all who dwell in apprehension. At this table came understanding, and understanding brands armed conflict as abominable in the eyes of enlightened civilization."

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"No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding, has made new relationships among Governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

"Here have been established the contracts of reason, here has come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed, national selfishness into retreat. Viewpoints were exchanged, differences composed, and you came to understand how common, after all, are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

"When you first met, I told you of our American's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in that accomplishment. * * *"

Respectfully submitted.

CHARLES E. HUGHES.
HENRY CABOT LODGE.
OSCAR W. UNDERWOOD.
ELIHU ROOT.

Washington, D. C., *February 9, 1922.*

TREATIES AND RESOLUTIONS APPROVED AND ADOPTED BY THE CONFERENCE ON THE LIMITATION OF ARMAMENT.

TREATIES.

- (1) A treaty between the United States of America, the British Empire, France, Italy, and Japan, limiting naval armament.
- (2) A treaty between the same Powers, in relation to the use of submarines and noxious gases in warfare.
- (3) A treaty between the United States of America, the British Empire, France, and Japan, signed December 13, 1921, relating to their insular possessions and insular dominions in the Pacific Ocean.
- (4) Declaration accompanying the above Four-Power Treaty.
- (5) A treaty between the same Four Powers, supplementary to the above, signed February 6, 1922.
- (6) A treaty between all Nine Powers relating to principles and policies to be followed in matters concerning China.
- (7) A treaty between the Nine Powers relating to Chinese customs tariff.

RESOLUTIONS.

- No. 1. Resolution for a Commission of Jurists to consider amendment of Laws of War.
- No. 2. Resolution limiting jurisdiction of Commission of Jurists provided in Resolution No. 1.
- No. 3. Resolution regarding the sale of ships before the ratification of the treaty limiting naval armament.
- No. 4. Resolution regarding a Board of Reference for Far Eastern Questions.
- No. 5. Resolution regarding Extraterritoriality in China.
- No. 6. Resolution regarding Foreign Postal Agencies in China.
- No. 7. Resolution regarding Armed Forces in China.
- No. 8. Resolution regarding Radio Stations in China and accompanying Declarations.
- No. 9. Resolution regarding unification of railways in China and accompanying Declaration by China.
- No. 10. Resolution regarding the reduction of Chinese Military Forces.
- No. 11. Resolution regarding existing commitments of China or with respect to China.
- No. 12. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, including China.
- No. 13. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, other than China.

TREATIES.

- (1) A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, LIMITING NAVAL ARMAMENT.

The United States of America, the British Empire, France, Italy and Japan;

TRAITÉS.

- (1) TRAITÉ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE, L'EMPIRE BRITANNIQUE, LA FRANCE, L'ITALIE ET LE JAPON LIMITANT LES ARMEMENTS NAVALS.

Les Etats-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon;

Desiring to contribute to the maintenance of the general peace, and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a treaty to limit their respective naval armament, and to that end have appointed as their Plenipotentiaries;

The President of the United States of America;

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,

Citizens of the
United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable
Arthur James Balfour,
O. M., M. P., Lord
President of His Privy
Council;

The Right Honourable
Baron Lee of Fareham,
G. B. E., K. C. B., First
Lord of His Admiralty;

The Right Honourable
Sir Auckland Campbell
Geddes, K. C. B., His
Ambassador Extraordi-
nary and Plenipoten-
tiary to the United
States of America;

and

for the Dominion of Canada:

The Right Honourable
Sir Robert Laird
Borden, G. C. M. G.,
K. C.;

Désireux de contribuer au maintien de la paix générale et de réduire le fardeau imposé par la compétition en matière d'armement;

Ont résolu, pour atteindre ce but, de conclure un traité limitant leur armement naval.

A cet effet, les Puissances Contractantes ont désigné pour leurs Plénipotentiaires:

Le Président des Etats-Unis d'Amérique:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citoyens des Etats-Unis;

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires britanniques au delà des mers, Empereur des Indes:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P., Lord Président
du Conseil du Roi;

Le Très-Honorable Baron
Lee of Fareham, G. B.
E., K. C. B., Premier
Lord de l'Amirauté;

Le Très-Honorable Sir
Auckland Campbell Ged-
des, K. C. B., Son Am-
bassadeur Extraordinaire
et Plénipotentiaire aux
Etats-Unis d'Amérique;

et

pour le Dominion du Canada:

Le Très-Honorable Sir
Robert Laird Borden,
G. C. M. G., K. C.;

for the Commonwealth of
Australia:

Senator the Right Hon-
ourable George Fos-
ter Pearce, Minister
for Home and Terri-
tories;

for the Dominion of New
Zealand:

The Honourable Sir
John William Sal-
mond, K. C., Judge of
the Supreme Court of
New Zealand;

for the Union of South Af-
rica:

The Right Honourable
Arthur James Bal-
four, O. M., M. P.;

for India:

The Right Honourable
Valingman Sanka-
ranarayana Srinivasa
Sastri, member of
the Indian Council of
State;

The President of the French
Republic:

Mr. Albert Sarraut,
Deputy, Minister of
the Colonies;

Mr. Jules J. Jusserand,
Ambassador Extraor-
dinary and Plenipo-
tentiary to the United
States of America,
Grand Cross of the
National Order of the
Legion of Honour;

His Majesty the King of
Italy:

The Honourable Carlo
Schanzer, Senator of
the Kingdom;

The Honourable Vittorio
Rolandi Ricci, Senator
of the Kingdom, His

pour le Commonwealth d'Aus-
tralie:

Le Très-Honorable George
Foster Pearce, Sén-
ateur, Ministre de l'Inté-
rieur et des Territoires;

pour le Dominion de la
Nouvelle-Zélande:

L'Honorable Sir John
William Salmond, K.
C., Juge à la Cour Su-
prême de Nouvelle-
Zélande;

pour l'Union Sud-Africaine:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P.;

pour l'Inde:

Le Très-Honorable Va-
lingman Sankaranaray-
ana Srinivasa Sastri,
Membre du Conseil
d'Etat de l'Inde;

Le Président de la République
Française:

M. Albert Sarraut, Dé-
puté, Ministre des Co-
lonies;

M. Jules J. Jusserand, Am-
bassadeur Extraordi-
naire et Plénipoten-
tiaire près le Président
des Etats-Unis d'Amé-
rique, Grand Croix de
l'Ordre National de la
Légion d'Honneur;

Sa Majesté le Roi d'Italie:

L'Honorable Carlo Schan-
zer, Sénateur du Roy-
aume;

L'Honorable Vittorio Ro-
landi Ricci, Sénateur
du Royaume, Son Am-

Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, have communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

CHAPTER I.

General Provisions Relating to the Limitation of Naval Armament.

ARTICLE I.

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

bassadeur Extraordinaire et Plénipotentiaire à Washington;

L'Honorable Luigi Albertini, Sénateur du Royaume;

Sa Majesté l'Empereur du Japon:

Le Baron Tomosaburo Kato, Ministre de la Marine, Junii, Membre de la Première Classe de l'Ordre Impérial du Grand Cordon du Soleil Levant avec la Fleur de Paulonia;

Le Baron Kijuro Shidehara, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington, Joshii, Membre de la Première Classe de l'Ordre Impérial du Soleil Levant;

M. Masanao Hanihara, Vice-Ministre des Affaires Etrangères, Jushii, Membre de la Seconde Classe de l'Ordre Impérial du Soleil Levant;

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes:

CHAPITRE I.

Dispositions Générales Relatives à la Limitation de l'Armement Naval.

ARTICLE I.

Les Puissances Contractantes conviennent de limiter leur armement naval ainsi qu'il est prévu au présent traité.

ARTICLE II.

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part 1. On the coming into force of the present Treaty, but subject to the following provisions of this Article, all other capital ships, built or building, of the United States, the British Empire and Japan shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, Part 2.

The British Empire may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer*, *King George V*, *Ajax* and *Centurion* shall be disposed of as prescribed in Chapter II, Part 2.

ARTICLE III.

Subject to the provisions of Article II, the Contracting Powers shall abandon their respective capital ship building programs, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage which may be con-

ARTICLE II.

Les Puissances Contractantes pourront conserver respectivement les navires du ligne énumérés au chapitre II, partie 1. A la mise en vigueur du présent Traité et sous réserve des dispositions ci-dessous du présent article, il sera disposé comme il est prescrit au chapitre II, partie 2, de tous les autres navires de ligne des Etats-Unis, de l'Empire Britannique et du Japon, construits ou en construction.

En sus des navires de ligne énumérés au chapitre II, partie 1, les Etats-Unis pourront achever et conserver deux navires actuellement en construction de la classe *West Virginia*. A l'achèvement de ces deux navires, il sera disposé du *North Dakota* et du *Delaware* comme il est prescrit au chapitre II, partie 2.

L'Empire Britannique pourra, conformément au tableau de remplacement du chapitre II, partie 3, construire deux nouveaux navires de ligne ayant chacun un déplacement type maximum de 35.000 tonnes (35.560 tonnes métriques). A l'achèvement de ces deux navires, il sera disposé du *Thunderer*, du *King George V*, de l'*Ajax* et du *Centurion* comme il est prescrit au chapitre II, partie 2.

ARTICLE III.

Sous réserves des dispositions de l'article II, les Puissances Contractantes abandonneront leur programme de construction de navires de ligne et ne construiront ou n'acquerront aucun nouveau navire de ligne, à l'exception du tonnage de remplacement qui pourra être construit ou acquis

structed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that Chapter.

ARTICLE IV.

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States 525,000 tons (533,400 metric tons); for the British Empire 525,000 tons (533,400 metric tons); for France 175,000 tons (177,800 metric tons); for Italy 175,000 tons (177,800 metric tons); for Japan 315,000 tons (320,040 metric tons).

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

ARTICLE VI.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

ARTICLE VII.

The total tonnage for aircraft carriers of each of the Contracting Powers shall not exceed in standard displacement, for the

comme il est spécifié au chapitre II, partie 3.

Il sera disposé selon les prescriptions du chapitre II, partie 2, des navires remplacés conformément au chapitre II, partie 3.

ARTICLE IV.

Le tonnage total des navires de ligne de remplacement, calculé d'après le déplacement type, ne dépassera pas, pour chacune des Puissances Contractantes, savoir: pour les Etats-Unis, 525.000 tonnes (533.400 tonnes métriques); pour l'Empire Britannique 525.000 tonnes (533.400 tonnes métriques); pour la France 175.000 tonnes (177.800 tonnes métriques); pour l'Italie 175.000 tonnes (177.800 tonnes métriques); pour le Japon 315.000 tonnes (320.040 tonnes métriques).

ARTICLE V.

Les Puissances Contractantes s'engagent à ne pas acquérir, à ne pas construire et à ne pas faire construire de navire de ligne d'un déplacement type supérieur à 35.000 tonnes (35.560 tonnes métriques), et à ne pas en permettre la construction dans le ressort de leur autorité.

ARTICLE VI.

Aucun navire de ligne de l'une quelconque des Puissances Contractantes ne portera de canon d'un calibre supérieur à 16 pouces (406 millimètres).

ARTICLE VII.

Le tonnage total des navires porte-aéronefs, calculé d'après le déplacement type, ne dépassera pas, pour chacune des Puissances

United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships,

Contractantes, savoir: pour les Etats-Unis 135.000 tonnes (137.160 tonnes métriques); pour l'Empire Britannique 135.000 tonnes (137.160 tonnes métriques); pour la France 60.000 tonnes (60.960 tonnes métriques); pour l'Italie 60.000 tonnes (60.960 tonnes métriques); pour le Japon 81.000 tonnes (82.296 tonnes métriques).

ARTICLE VIII.

Le remplacement des navires porte-aéronefs n'aura lieu que selon les prescriptions du Chapitre II, partie 3; toutefois il est entendu que tous les navires porte-aéronefs construits ou en construction à la date du 12 novembre 1921 sont considérés comme navires d'expérience et pourront être remplacés, quel que soit leur âge, dans les limites de tonnage total prévues à l'article VII.

ARTICLE IX.

Les Puissances Contractantes s'engagent à ne pas acquérir, à ne pas construire et à ne pas faire construire de navire porte-aéronefs, d'un déplacement type supérieur à 27.000 tonnes (27.432 tonnes métriques), et à ne pas en permettre la construction dans le ressort de leur autorité.

Toutefois chacune des Puissances Contractantes pourra, pourvu qu'elle ne dépasse pas son tonnage total alloué de navires porte-aéronefs, construire au plus deux navires porte-aéronefs, chacun d'un déplacement type maximum de 33.000 tonnes (33.528 tonnes métriques); à cet effet et pour des raisons d'économie, chacune des Puissances Contractantes pourra utiliser deux de ses navires, terminés ou non ter-

whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

ARTICLE X.

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other

minés, pris à son choix parmi ceux qui, sans cela, devraient être mis hors d'état de servir pour le combat aux termes de l'article II. L'armement d'un navire porte-aéronefs ayant un déplacement type supérieur à 27.000 tonnes (27.432 tonnes métriques) sera soumis aux dispositions de l'article X, avec cette restriction que, si cet armement comporte un seul canon d'un calibre supérieur à 6 pouces (152 millimètres), le nombre total des canons ne pourra dépasser huit, non compris les canons contre aéronefs et les canons d'un calibre ne dépassant pas 5 pouces (127 millimètres).

ARTICLE X.

Aucun navire porte-aéronefs de l'une quelconque des Puissances Contractantes ne portera de canon d'un calibre supérieur à 8 pouces (203 millimètres). Sous réserve de l'exception prévue à l'article IX, si l'armement comprend des canons d'un calibre supérieur à 6 pouces (152 millimètres), le nombre total des canons pourra être de dix au maximum, non compris les canons contre aéronefs et les canons d'un calibre ne dépassant pas 5 pouces (127 millimètres). Si, au contraire, l'armement ne comprend pas de canon d'un calibre supérieur à 6 pouces (152 millimètres), le nombre des canons n'est pas limité. Dans les deux cas, le nombre des canons contre aéronefs et des canons d'un calibre ne dépassant pas 5 pouces (127 millimètres) n'est pas limité.

ARTICLE XI.

Les Puissances Contractantes s'engagent à ne pas acquérir, à ne pas construire et à ne pas faire

than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

ARTICLE XII.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

ARTICLE XIII.

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be reconverted into a vessel of war.

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inch (152 millimetres) calibre.

construire, en dehors des navires de ligne ou des navires porte-aéronefs, de navires de combat d'un déplacement type supérieur à 10.000 tonnes (10.160 tonnes métriques), et à ne pas en permettre la construction dans le ressort de leur autorité. Ne sont pas soumis aux limitations du présent article les bâtiments employés soit à des services de la flotte, soit à des transports de troupes, soit à toute autre participation à des hostilités qui ne serait pas celle d'un navire combattant, pourvu qu'ils ne soient pas spécifiquement construits comme navires combattants ou placés en temps de paix sous l'autorité du Gouvernement dans un but de combat.

ARTICLE XII.

En dehors des navires de ligne, aucun navire de combat de l'une quelconque des Puissances Contractantes, mis en chantier à l'avenir, ne portera de canon d'un calibre supérieur à 8 pouces (203 millimètres).

ARTICLE XIII.

Sous réserve de l'exception prévue à l'article IX, aucun navire à déclasser par application du présent Traité ne pourra redevenir navire de guerre.

ARTICLE XIV.

Il ne sera fait, en temps de paix, aucune installation préparatoire sur les navires de commerce en vue de les armer pour les convertir en navire de guerre; toutefois, il sera permis de renforcer les ponts pour pouvoir y monter des canons d'un calibre ne dépassant pas 6 pouces (152 millimètres).

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section I (b), (4) and (5).

ARTICLE XVII.

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

ARTICLE XV.

Aucun navire de guerre construit pour une Puissance non contractante dans le ressort de l'autorité d'une Puissance Contractante ne devra dépasser les limites de déplacement et d'armement prévues au présent Traité pour les navires similaires à construire par ou pour les Puissances Contractantes. Toutefois la limite du déplacement type des navires porte-aéronefs construits pour une Puissance non contractante ne devra en aucun cas dépasser 27.000 tonnes (27.432 tonnes métriques).

ARTICLE XVI.

Si un navire de guerre, quel qu'il soit, est mis en construction pour le compte d'une Puissance non Contractante dans le ressort de l'autorité d'une Puissance Contractante, cette dernière fera connaître, aussi rapidement que possible, aux autres Puissances Contractantes la date de signature du contrat de construction et celle de mise sur cale du navire; elle leur communiquera également les caractéristiques du navire, en se conformant au Chapitre II, partie 3, section I (b), (4) et (5).

ARTICLE XVII.

Si l'une des Puissances Contractantes vient à être engagée dans une guerre, elle n'emploiera pas comme tels les navires de guerre quels qu'ils soient, en construction ou construits mais non livrés, dans le ressort de son autorité, pour le compte de toute autre Puissance.

ARTICLE XVIII.

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power.

ARTICLE XIX.

The United States, the British Empire and Japan agree that the status quo at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder.

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any in-

ARTICLE XVIII.

Les Puissances Contractantes s'engagent à ne disposer ni à titre gratuit, ni à titre onéreux, ni autrement, de leurs navires de guerre, quels qu'ils soient, dans des conditions permettant à une Puissance étrangère de les employer comme tels.

ARTICLE XIX.

Les Etats-Unis, l'Empire Britannique et le Japon conviennent de maintenir, en matière de fortifications et de bases navales, le statu quo tel qu'il existe au jour de la signature du présent traité dans leurs territoires et possessions respectifs ci-après désignés:

(1) Les possessions insulaires, soit actuelles, soit futures, des Etats-Unis dans l'Océan Pacifique, à l'exception: (a) de celles avoisinant la côte des Etats-Unis, de l'Alaska et de la zone du Canal de Panama, non compris les Iles Aléoutiennes; (b) des Iles Hawai;

(2) Hong-Kong et les possessions insulaires, soit actuelles, soit futures, de l'Empire Britannique dans l'Océan Pacifique, situées à l'est du méridien de 110° est de Greenwich, à l'exception: (a) de celles avoisinant la côte du Canada; (b) du Commonwealth d'Australie et de ses Territoires; (c) de la Nouvelle-Zélande;

(3) Les territoires et possessions insulaires du Japon dans l'Océan Pacifique, ci-après désignés: Iles Kouriles, Iles Bonin, Amami-Oshima, Iles Liou-Kiou, Formose et Pescadores, ainsi que tous territoires ou possessions in-

sular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

ARTICLE XX.

The rules for determining tonnage displacement prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

CHAPTER II.

Rules Relating to the Execution of the Treaty—Definition of Terms.

PART 1.

CAPITAL SHIPS WHICH MAY BE RETAINED BY THE CONTRACTING POWERS.

In accordance with Article II ships may be retained by each of the Contracting Powers as specified in this Part.

sulaires futurs du Japon dans l'Océan Pacifique.

Le maintien du statu quo visé ci-dessus implique:

qu'il ne sera établi dans les territoires et possessions ci-dessus visés ni bases navales, ni fortifications nouvelles; qu'il ne sera pris aucune mesure de nature à accroître les ressources navales existant actuellement pour la réparation et l'entretien des forces navales; et qu'il ne sera procédé à aucun renforcement des défenses côtières des territoires et possessions ci-dessus visés. Toutefois, cette restriction n'empêchera pas la réparation et le remplacement de l'armement et des installations détériorés, selon la pratique des établissements navals et militaires en temps de paix.

ARTICLE XX.

Les règles de détermination du déplacement, telles qu'elles sont posées au Chapitre II, partie 4, s'appliqueront aux navires de chacune des Puissances Contractantes.

CHAPITRE II.

Règles Concernant l'Exécution du Traité—Définition des Termes Employés.

PARTIE 1.

NAVIRES DE LIGNE QUI PEUVENT ÊTRE CONSERVÉS PAR LES PUISSANCES CONTRACTANTES.

Pourront être conservés par chacune des Puissances Contractantes, conformément à l'article II, les navires énumérés dans la présente partie.

*Ships which may be retained by
the United States.*

Name :	Tonnage.
Maryland	32, 600
California	32, 300
Tennessee	32, 300
Idaho	32, 000
New Mexico	32, 000
Mississippi	32, 000
Arizona	31, 400
Pennsylvania	31, 400
Oklahoma	27, 500
Nevada	27, 500
New York	27, 000
Texas	27, 000
Arkansas	26, 000
Wyoming	26, 000
Florida	21, 825
Utah	21, 825
North Dakota	20, 000
Delaware	20, 000

Total tonnage..... 500, 650

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware*, as provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

*Ships which may be retained by
the British Empire.*

Name :	Tonnage.
Royal Sovereign	25, 750
Royal Oak	25, 750
Revenge	25, 750
Resolution	25, 750
Ramillies	25, 750
Malaya	27, 500
Valiant	27, 500
Barham	27, 500
Queen Elizabeth	27, 500
Warspite	27, 500
Benbow	25, 000
Emperor of India	25, 000
Iron Duke	25, 000
Marlborough	25, 000
Hood	41, 200
Renown	26, 500
Repulse	26, 500
Tiger	28, 500
Thunderer	22, 500
King George V	23, 000
Ajax	23, 000
Centurion	23, 000

Total tonnage..... 580, 450

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer*, *King George V*, *Ajax* and *Cen-*

*Navires qui peuvent être conservés
par les Etats-Unis.*

Nom:	Tonnage.
Maryland	32, 600
California	32, 300
Tennessee	32, 300
Idaho	32, 000
New Mexico	32, 000
Mississippi	32, 000
Arizona	31, 400
Pennsylvania	31, 400
Oklahoma	27, 500
Nevada	27, 500
New York	27, 000
Texas	27, 000
Arkansas	26, 000
Wyoming	26, 000
Florida	21, 825
Utah	21, 825
North Dakota	20, 000
Delaware	20, 000

Total tonnage..... 500, 650

Quand les deux unités de la classe *West Virginia* seront achevées et quand le *North Dakota* et le *Delaware* seront déclassés, ainsi qu'il est indiqué à l'article II, le tonnage total à conserver par les Etats-Unis sera de 525.850 tonnes.

*Navires qui peuvent être conservés
par l'Empire Britannique.*

Nom:	Tonnage.
Royal Sovereign	25, 750
Royal Oak	25, 750
Revenge	25, 750
Resolution	25, 750
Ramillies	25, 750
Malaya	27, 500
Valiant	27, 000
Barham	27, 000
Queen Elizabeth	27, 000
Warspite	27, 000
Benbow	25, 000
Emperor of India	25, 000
Iron Duke	25, 000
Marlborough	25, 000
Hood	41, 200
Renown	26, 500
Repulse	26, 500
Tiger	28, 500
Thunderer	22, 500
King George V	23, 000
Ajax	23, 000
Centurion	23, 000

Tonnage total..... 580, 450

Quand les deux unités nouvelles à construire seront achevées, et quand le *Thunderer*, le *King George V*, l'*Ajax* et le *Centurion*

tion, as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

Ships which may be retained by France.

Name:	Tonnage (metric tons).
Bretagne	23, 500
Lorraine	23, 500
Provence	23, 500
Paris	23, 500
France	23, 500
Jean Bart	23, 500
Courbet	23, 500
Condorcet	18, 890
Diderot	18, 890
Voltaire	18, 890
Total tonnage	221, 170

France may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Ships which may be retained by Italy.

Name:	Tonnage (metric tons)
Andrea Doria	22, 700
Cai Duilio	22, 700
Conte Di Cavour	22, 500
Giulio Cesare	22, 500
Leonardo Da Vinci	22, 500
Dante Alighieri	19, 500
Roma	12, 600
Napoli	12, 600
Vittorio Emanuele	12, 600
Regina Elena	12, 600
Total tonnage	182, 800

Italy may lay down new tonnage in the years 1927, 1929, and 1931, as provided in Part 3, Section II.

Ships which may be retained by Japan.

Name:	Tonnage.
Mutsu	33, 800
Nagato	33, 800
Hiuga	31, 260
Ise	31, 260
Yamashiro	30, 600
Fu-So	30, 600
Kirishima	27, 500
Haruna	27, 500
Hiyei	27, 500
Kongo	27, 500
Total tonnage	301, 320

seront déclassés, ainsi qu'il est indiqué à l'article II, le tonnage total à conserver par l'Empire Britannique sera de 558,950 tonnes.

Navires qui peuvent être conservés par la France.

Nom:	Tonnage (tonnes métriques).
Bretagne	23. 500
Lorraine	23. 500
Provence	23. 500
Paris	23. 500
France	23. 500
Jean Bart	23. 500
Courbet	23. 500
Condorcet	18. 890
Diderot	18. 890
Voltaire	18. 890
Tonnage total	221. 170

La France pourra mettre en chantier des navires neufs en 1927, 1929 et 1931, ainsi qu'il est prévu à la partie 3, section II.

Navires qui peuvent être conservés par l'Italie.

Nom:	Tonnage (tonnes métriques).
Andrea Doria	22. 700
Caio Duilio	22. 700
Conte Di Cavour	22. 500
Giulio Cesare	22. 500
Leonardo Da Vinci	22. 500
Dante Alighieri	19. 500
Roma	12. 600
Napoli	12. 600
Vittorio Emanuele	12. 600
Regina Elena	12. 600
Tonnage total	182. 800

L'Italie pourra mettre en chantier des navires neufs en 1927, 1929 et 1931, ainsi qu'il est prévu à la partie 3, section II.

Navires qui peuvent être conservés par le Japon.

Nom:	Tonnage.
Mutsu	33. 800
Nagato	33. 800
Hiuga	31. 260
Ise	31. 260
Yamashiro	30. 600
Fu-So	30. 600
Kirishima	27. 500
Haruna	27. 500
Hiyei	27. 500
Kongo	27. 500
Tonnage total	301. 320

PART 2.

RULES FOR SCRAPPING VESSELS OF WAR.

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III.

- I. A vessel to be scrapped must be placed in such condition that it cannot be put to combatant use.
- II. This result must be finally effected in any one of the following ways:
 - (a) Permanent sinking of the vessel;
 - (b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating;
 - (c) Converting the vessel to target use exclusively. In such case all the provisions of paragraph III of this Part, except subparagraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except subparagraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.

PARTIE 2.

RÈGLES APPLICABLES AU DÉCLASSEMENT DES NAVIRES DE GUERRE.

Les règles suivantes devront être observées pour le déclassement des navires de guerre dont on doit disposer comme il est prescrit aux articles II et III.

- I. Un navire pour être déclassé doit être mis hors d'état de servir pour le combat.
- II. Pour obtenir ce résultat d'une manière définitive, on devra employer l'un des moyens suivants:
 - (a) submersion du navire sans possibilité de renflouement;
 - (b) démolition. Cette opération devra toujours comprendre la destruction ou l'enlèvement de toutes machines, chaudières, cuirasses, ainsi que de tout le bordé de pont, de flanc et de fond;
 - (c) transformation pour l'usage exclusif de cible. Dans ce cas, on devra observer au préalable toutes les dispositions du paragraphe III de la présente partie, à l'exception du sous-paragraphe (6), (dans la mesure nécessaire pour utiliser le navire comme cible mobile), et du sous-paragraphe (7). Aucune des Puissances Contractantes ne pourra conserver, pour s'en servir comme de cible, plus d'un navire de ligne à la fois.

(d) Of the capital ships which would otherwise be scrapped under the present Treaty in or after the year 1931, France and Italy may each retain two seagoing vessels for training purposes exclusively, that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri*, the other, of the *Giulio Cesare* class. On retaining these ships for the purpose above stated, France and Italy respectively undertake to remove and destroy their conning-towers, and not to use the said ships as vessels of war.

III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

(b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship:

(d) Parmi les navires de ligne arrivant à partir de 1931 à l'époque de leur déclassement, la France et l'Italie sont autorisées à conserver chacune deux bâtiments navigants, qui seront affectés exclusivement aux écoles de canonnage ou de torpilles. Pour la France, ces deux navires seront du type *Jean Bart*. Pour l'Italie, l'un d'eux sera le *Dante Alighieri*, le second sera du type *Giulio Cesare*. La France et l'Italie s'engagent à ne plus utiliser comme navires de guerre les navires ainsi conservés dont les blockhaus devront alors être enlevés et détruits.

III. (a) Sous réserves des exceptions spéciales de l'Article IX, quand un navire doit être déclassé, la première opération du déclassement, qui consiste à mettre le navire hors d'état de remplir ultérieurement un service de combat, doit être immédiatement commencée.

(b) Un navire sera considéré comme mis hors d'état de remplir ultérieurement un service de combat quand on aura enlevé et mis à terre ou détruit à bord du navire:

- (1) All guns and essential portions of guns, fire-control tops and revolving parts of all barbetstes and turrets;
- (2) All machinery for working hydraulic or electric mountings;
- (3) All fire-control instruments and range-finders;
- (4) All ammunition, explosives and mines;
- (5) All torpedoes, war-heads and torpedo tubes;
- (6) All wireless telegraphy installations;
- (7) The conning tower and all side armour, or alternatively all main propelling machinery; and
- (8) All landing and flying-off platforms and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follows:

- (a) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further war-like service, in accordance with paragraph

- (1) tous les canons et parties essentielles de canons, les hunes de direction de tir et les parties tournantes de toutes les tourelles barbets et fermées;
- (2) toute la machinerie hydraulique ou électrique de manœuvre des affûts;
- (3) tous les instruments et les télémètres de direction de tir;
- (4) toutes les munitions, les explosifs et les mines;
- (5) toutes les torpilles, cônes de charge et tubes lance-torpilles;
- (6) toutes les installations de télégraphie sans fil;
- (7) le blockhaus et toute la cuirasse de flanc, ou, si l'on préfère, tout l'appareil moteur principal;
- (8) toutes les plateformes d'atterrissage et d'envol et tous autres accessoires d'aviation.

IV. Les délais dans lesquels les opérations de déclassement des navires devront être accomplies sont les suivants:

- (a) S'il s'agit de navires à déclasser d'après le premier alinéa de l'article II, les opérations nécessaires pour mettre ces navires hors d'état de remplir ultérieurement un service de combat,

III of this Part, shall be completed within six months from the coming into force of the present Treaty, and the scrapping shall be finally effected within eighteen months from such coming into force.

- (b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph II of this Part, within eighteen months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced within four years from

en observant les prescriptions du paragraphe III de la présente Partie, devront être achevés dans un délai de six mois et le déclasserement devra être complètement terminé dans un délai de dix-huit mois, l'un et l'autre à dater de la mise en vigueur du présent traité.

- (b) S'il s'agit de navires à déclasser d'après les alinéas 2 et 3 de l'Article II ou d'après l'Article III, les opérations nécessaires pour mettre chacun de ces navires hors d'état de remplir ultérieurement un service de combat, en observant les prescriptions du paragraphe III de la présente Partie, devront être commencées au plus tard à la date de l'achèvement du navire de remplacement et devront être terminées dans les six mois qui suivront cette date. Le déclasserement, opéré conformément au paragraphe II de la présente Partie, devra être terminé dans les dix-huit mois qui suivront l'achèvement du navire de remplacement. Si, cependant, l'achèvement du nouveau navire est retardé, on devra commencer, au plus tard quatre ans après sa mise sur cale,

the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph II of this Part within eighteen months from the date when the work of rendering it incapable of further warlike service was commenced.

PART 3.

REPLACEMENT.

The replacement of capital ships and aircraft carriers shall take place according to the rules in Section I and the tables in Section II of this Part.

SECTION I.

RULES FOR REPLACEMENT.

(a) Capital ships and aircraft carriers twenty years after the date of their completion may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be laid down not earlier than seventeen years from the date of completion of the tonnage to be replaced, provided, however, that no capital

les opérations nécessaires pour mettre le vieux navire hors d'état de remplir ultérieurement un service de combat, conformément au paragraphe III de la présente Partie, et ce travail devra être terminé en six mois. Le vieux navire devra être définitivement déclassé, dans les conditions du paragraphe II de la présente partie, dix-huit mois après le commencement des travaux de ladite mise hors d'état.

PARTIE 3.

REPLACEMENTS.

Le remplacement des navires de ligne et des navires porte-aéronefs se fera selon les règles de la section I et des tableaux de la section II de la présente Partie.

SECTION I.

RÈGLES DE REPLACEMENTS.

(a) Sous réserve des cas prévus à l'article VIII et aux tableaux de la section II de la présente partie, les navires de ligne et les navires porte-aéronefs pourront être remplacés, vingt ans après le jour de leur achèvement, par des constructions neuves, mais seulement dans les limites prévues aux articles IV et VII. Sous réserve des exceptions prévues à l'article VIII et aux tableaux de la section II de la présente partie, les nouveaux navires ne pourront être mis sur cale que dix-sept ans après l'achèvement de l'unité à remplacer. Toutefois il est entendu qu'à l'exception

ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in Section II of this Part, shall be laid down until ten years from November 12, 1921.

(b) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:

- (1) The names of the capital ships and aircraft carriers to be replaced by new construction;
- (2) The date of governmental authorization of replacement tonnage;
- (3) The date of laying the keels of replacement tonnage.
- (4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement;
- (5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard dis-

des navires visés au troisième alinéa de l'article II et à l'exception du tonnage de remplacement spécifié à la section II de la présente partie, aucun navire de ligne ne sera mis sur cale avant l'expiration d'une période de dix ans à partir du 12 novembre 1921.

(b) Chacune des Puissances Contractantes communiquera aussi rapidement que possible aux autres les informations suivantes:

- (1) les noms des navires de ligne et des navires porte-aéronefs qui doivent être remplacés par des constructions neuves;
- (2) la date de l'autorisation gouvernementale donnée pour la construction des navires de remplacement;
- (3) la date de mise sur cale de chaque navire de remplacement;
- (4) le déplacement type en tonnes et en tonnes métriques de chaque unité nouvelle à mettre sur cale, ainsi que ses principales dimensions, à savoir: longueur à la flottaison; largeur maximum à ou sous la ligne de flottaison; tirant d'eau moyen correspondant au déplacement type;
- (5) la date d'achèvement de chaque nouvelle unité et son déplacement type en tonnes et en tonnes métriques, ainsi que ses principales dimensions à l'époque de l'achèvement, à savoir: longueur à la ligne de flottaison; largeur maxi-

placement, at time of completion.

(c) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present Treaty, the regular replacement program being deemed to be advanced to that extent.

(d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The Contracting Powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armor, in calibre, number or general type of mounting of main armament shall be permitted except:

(1) in the case of France and Italy, which countries within the limits allowed

mum à ou sous la flottaison; tirant d'eau moyen correspondant au déplacement type.

(c) Les navires de ligne et les navires porte-aéronefs pourront, en cas de perte ou de destruction accidentelle, être remplacés immédiatement, dans les limites de tonnage spécifiées aux articles IV et VII, par des constructions neuves effectuées conformément aux dispositions du présent Traité; le programme de remplacement prévu pour la Puissance intéressée sera considéré comme ayant été avancé en ce qui concerne le navire perdu ou détruit.

(d) La seule refonte autorisée pour les navires de ligne et les navires porte-aéronefs conservés consistera à munir ces unités de moyens de défense contre les attaques aériennes et sous-marines dans les conditions suivantes: les Puissances Contractantes pourront, dans ce but, ajouter aux navires existants des souffrages et caissons, ainsi que des ponts de protection contre les attaques aériennes, pourvu que l'augmentation de déplacement qui en résultera pour les navires ne dépasse pas 3.000 tonnes (3.048 tonnes métriques) pour chaque navire. Sera interdit tout changement dans la cuirasse de flanc, le calibre et le nombre des canons de l'armement principal, ainsi que tout changement dans son plan général d'installation. Il est fait exception:

(1) pour la France et l'Italie, qui pourront, dans les limites de l'augmentation

for bulge may increase their armor protection and the calibre of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters) and

- (2) the British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

de déplacement accordée pour le soufflage, accroître les cuirassements de protection ainsi que le calibre des canons portés par leurs navires de ligne existants, à la condition que ce calibre ne dépasse pas 16 pouces (406 millimètres);

- (2) pour l'Empire Britannique, qui sera autorisé à achever sur le *Renown*, les modifications de cuirassement déjà commencées et provisoirement arrêtées.

REPLACEMENT TABLES.

SECTION II.

REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS.

UNITED STATES.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922		A, B #	Delaware (12), North Dakota (12).	15	3
1923				15	3
1924				15	3
1925				15	3
1926				15	3
1927				15	3
1928				15	3
1929				15	3
1930				15	3
1931	C, D			15	3
1932	E, F			15	3
1933	G			15	3
1934	H, I	C, D	Florida (23), Utah (23), Wyoming (22).	12	5
1935	J	E, F	Arkansas (23), Texas (21), New York (21).	9	7
1936	K, L	G	Nevada (20), Oklahoma (20)....	7	8
1937	M	H, I	Arizona (21), Pennsylvania (21).	5	10
1938	N, O	J	Mississippi (21).....	4	11
1939	P, Q	K, L	New Mexico (21), Idaho (20)....	2	13
1940		M	Tennessee (20).....	1	14
1941		N, O	California (20), Maryland (20)...	0	15
1942		P, Q	2 ships West Virginia class.....	0	15

* The United States may retain the *Oregon* and *Illinois*, for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

Two West Virginia class.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

SECTION II.

REPLACEMENT ET DÉCLASSEMENT DES NAVIRES DE LIGNE.

ETATS-UNIS.

Année.	Navires mis sur cale.	Navires achevés.	Navires à déclasser (âge entre parenthèse).	Navires conservés. Nombre total.	
				Pre-	Post-
				Jutland.	
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922.....		A. B.	Delaware (12), North Dakota (12).	15	3
1923.....				15	3
1924.....				15	3
1925.....				15	3
1926.....				15	3
1927.....				15	3
1928.....				15	3
1929.....				15	3
1930.....				15	3
1931.....	C. D.			15	3
1932.....	E. F.			15	3
1933.....	G.			15	3
1934.....	H. I.	C. D.	Florida (23), Utah (23), Wyoming (22).	12	5
1935.....	J.	E. F.	Arkansas (23), Texas (21), New York (21).	9	7
1936.....	K. L.	G.	Nevada (20), Oklahoma (20).....	7	8
1937.....	M.	H. I.	Arizona (21), Pennsylvania (21)...	5	10
1938.....	N. O.	J.	Mississippi (21).....	4	11
1939.....	P. Q.	K. L.	New Mexico (21), Idaho (20).....	2	13
1940.....		M.	Tennessee (20).....	1	14
1941.....		N. O.	California (20), Maryland (20).....	0	15
1942.....		P. Q.	2 Navires de la classe "West Virginia."	0	15

* Les Etats-Unis pourront conserver l'*Oregon* et l'*Illinois* pour des destinations autres que le combat en se conformant aux dispositions de la Partie 2, III, (b).
2 de la classe "West Virginia."

NOTE.—Les lettres A, B, C, D, etc., représentent chacune un navire de ligne de 35.000 tonnes de déplacement type, mis sur cale et achevé dans les années indiquées.

REPLACEMENT TABLES.

BRITISH EMPIRE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conqueror (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or protected.*	21	1
1922...	A, B #			21	1
1923...				21	1
1924...				21	1
1925...		A, B	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	17	3
1926...				17	3
1927...				17	3
1928...				17	3
1929...				17	3
1930...				17	3
1931...	C, D			17	3
1932...	E, F			17	3
1933...	G			17	3
1934...	H, I	C, D	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	5
1935...	J	E, F	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936...	K, L	G	Malaya (20), Royal Sovereign (20).	7	8
1937...	M	H, I	Revenge (21), Resolution (21)...	5	10
1938...	N, O	J	Royal Oak (22)...	4	11
1939...	P, Q	K, L	Valiant (23), Repulse (23)...	2	13
1940...		M	Renown (24)...	1	14
1941...		N, O	Ramillies (24), Hood (21)...	0	15
1942...		P, Q	A (17), B (17)...	0	15

* The British Empire may retain the *Colossus* and *Collingwood* for noncombatant purposes, after complying with the provisions of Part 2, III (b).

Two 35,000-ton ships, standard displacement.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

REPLACEMENT ET DÉCLASSEMENT DES NAVIRES DE LIGNE.

EMPIRE BRITANNIQUE.

Année.	Navires mis sur cale.	Navires achevés.	Navires à déclasser (âge entre parenthèse).	Navires conservés. Nombre total.	
				Pre-	Post-
				Jutland.	
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conqueror (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 en construction ou en projet.*	21	1
1922.....	A, B#.....			21	1
1923.....				21	1
1924.....				21	1
1925.....		A, B.....	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	17	3
1926.....				17	3
1927.....				17	3
1928.....				17	3
1929.....				17	3
1930.....				17	3
1931.....	C, D.....			17	3
1932.....	E, F.....			17	3
1933.....	G.....			17	3
1934.....	H, I.....	C, D.....	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	5
1935.....	J.....	E, F.....	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936.....	K, L.....	G.....	Malaya (20), Royal Sovereign (20).	7	8
1937.....	M.....	H, I.....	Revenge (21), Resolution (21).....	5	10
1938.....	N, O.....	J.....	Royal Oak (22).....	4	11
1939.....	P, Q.....	K, L.....	Valiant (23), Repulse (23).....	2	13
1940.....		M.....	Renown (24).....	1	14
1941.....		N, O.....	Ramillies (24), Hood (21).....	0	15
1942.....		P, Q.....	A (17), B (17).....	0	15

* L'Empire Britannique pourra conserver le *Colossus* et le *Collingwood* pour des destinations autres que le combat en se conformant aux dispositions de la Partie 2, III, (b).
 # 2 navires de 35.000 tonnes de déplacement type.

NOTE.—Les lettres A, B, C, D, etc., représentent chacune un navire de ligne de 35.000 tonnes de déplacement type, mis sur cale et achevé dans les années indiquées.

REPLACEMENT TABLES.

FRANCE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
1922				7	0
1923				7	0
1924				7	0
1925				7	0
1926				7	0
1927	35,000 tons.			7	0
1928				7	0
1929	35,000 tons.			7	0
1930		35,000 tons.	Jean Bart (17), Courbet (17)....	5	(*)
1931	35,000 tons.			5	(*)
1932	35,000 tons.	35,000 tons.	France (18).....	4	(*)
1933	35,000 tons.			4	(*)
1934		35,000 tons.	Paris (20), Bretagne (20).....	2	(*)
1935		35,000 tons.	Provence (20).....	1	(*)
1936		35,000 tons.	Lorraine (20).....	0	(*)
1937				0	(*)
1938				0	(*)
1939				0	(*)
1940				0	(*)
1941				0	(*)
1942				0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present Treaty.

ITALY.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
1922				6	0
1923				6	0
1924				6	0
1925				6	0
1926				6	0
1927	35,000 tons.			6	0
1928				6	0
1929	35,000 tons.			6	0
1930				6	0
1931	35,000 tons.	35,000 tons.	Dante Alighieri (19).....	5	(*)
1932	45,000 tons.			5	(*)
1933	25,000 tons.	35,000 tons.	Leonardo da Vinci (19).....	4	(*)
1934				4	(*)
1935		35,000 tons.	Guilio Cesare (21).....	3	(*)
1936		45,000 tons.	Conte di Cavour (21), Duilio (21)	1	(*)
1937		25,000 tons.	Andrea Doria (21).....	0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present Treaty.

REPLACEMENT ET DÉCLASSEMENT DES NAVIRES DE LIGNE.

FRANCE.

Année.	Navires mis sur cale.	Navires achevés.	Navires à déclasser (âge entre parenthèse).	Navires conservés. Nombre total.	
				Pre-	Post-
				Jutland.	
1922.....	.....	.....	.....	7	0
1923.....	.....	.....	.....	7	0
1924.....	.....	.....	.....	7	0
1925.....	.....	.....	.....	7	0
1926.....	.....	.....	.....	7	0
1927.....	35.000 tonnes	.....	.....	7	0
1928.....	.....	.....	.....	7	0
1929.....	35.000 tonnes	.....	.....	7	0
1930.....	.....	35.000 tonnes	Jean Bart (17), Courbet (17).....	5	(*)
1931.....	35.000 tonnes	.....	.....	5	(*)
1932.....	35 000 tonnes	35.000 tonnes	France (18).....	4	(*)
1933.....	35.000 tonnes	.....	.....	4	(*)
1934.....	.....	35.000 tonnes	Paris (20), Bretagne (20).....	2	(*)
1935.....	.....	35.000 tonnes	Provence (20).....	1	(*)
1936.....	.....	35.000 tonnes	Lorraine (20).....	0	(*)
1937.....	.....	.....	.....	0	(*)
1938.....	.....	.....	.....	0	(*)
1939.....	.....	.....	.....	0	(*)
1940.....	.....	.....	.....	0	(*)
1941.....	.....	.....	.....	0	(*)
1942.....	.....	.....	.....	0	(*)

* Dans les limites du tonnage total; nombre non fixé.

NOTE.—La France réserve expressément son droit d'employer son allocation de tonnage de navires de ligne comme elle le jugera bon, pourvu que le déplacement de chaque navire ne dépasse pas 35.000 tonnes et que le tonnage total de navires de ligner este dans les limites imposées par le présent Traité.

REPLACEMENT ET DÉCLASSEMENT DES NAVIRES DE LIGNE.

ITALIE.

Année.	Navires mis sur cale.	Navires achevés.	Navires à déclasser (âge entre parenthèse).	Navires conservés. Nombre total.	
				Pre-	Post-
				Jutland.	
1922.....	.....	.....	.....	6	0
1923.....	.....	.....	.....	6	0
1924.....	.....	.....	.....	6	0
1925.....	.....	.....	.....	6	0
1926.....	.....	.....	.....	6	0
1927.....	35.000 tonnes	.....	.....	6	0
1928.....	.....	.....	.....	6	0
1929.....	35.000 tonnes	.....	.....	6	0
1930.....	.....	.....	.....	6	0
1931.....	35.000 tonnes	35.000 tonnes	Dante Alighieri (19).....	5	(*)
1932.....	45.000 tonnes	.....	.....	5	(*)
1933.....	25.000 tonnes	35.000 tonnes	Leonardo da Vinci (19).....	4	(*)
1934.....	.....	.....	.....	4	(*)
1935.....	.....	35.000 tonnes	Giulio Cesare (21).....	3	(*)
1936.....	.....	45.000 tonnes	Conte di Cavour (21), Duilio (21) ..	1	(*)
1937.....	.....	25.000 tonnes	Andrea Doria (21).....	0	(*)

* Dans les limites du tonnage total; nombre non fixé.

NOTE.—L'Italie réserve expressément son droit d'employer son allocation de tonnage de navires de ligne comme elle le jugera bon, pourvu que le déplacement de chaque navire ne dépasse pas 35,000 tonnes, et que le tonnage total de navires de ligner este dans les limites imposées par le présent Traité.

REPLACEMENT TABLES.

JAPAN.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Hizen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected program 8 ships not laid down.*	8	
1922...				8	2
1923...				8	2
1924...				8	2
1925...				8	2
1926...				8	2
1927...				8	2
1928...				8	2
1929...				8	2
1930...				8	2
1931... A.				8	2
1932... B.				8	2
1933... C.				8	2
1934... D.	A.		Kongo (21).....	7	3
1935... E.	B.		Hiyei (21), Haruma (20).....	5	4
1936... F.	C.		Kirishima (21).....	4	5
1937... G.	D.		Fuso (22).....	3	6
1938... H.	E.		Yamashiro (21).....	2	7
1939... I.	F.		Ise (22).....	1	8
1940...	G.		Hiuga (22).....	0	9
1941... H.			Nagato (21).....	0	9
1942... I.			Mutsu (21).....	0	9

*Japan may retain the *Shikishima* and *Asahi* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

REPLACEMENT ET DÉCLASSEMENT DÉ NAVIRES DE LIGNE.

JAPON.

Année.	Navires mis sur cale.	Navires achevés.	Navires à déclasser (âge entre parenthèse).	Navires conservés. Nombre total.	
				Pre-	Post-
				Jutland.	
			Hizen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0), Projet de programme 8 navires non sur cale.*	8	2
1922				8	2
1923				8	2
1924				8	2
1925				8	2
1926				8	2
1927				8	2
1928				8	2
1929				8	2
1930				8	2
1931	A.			8	2
1932	B.			8	2
1933	C.			8	2
1934	D.	A.	Kongo (21)	7	3
1935	E.	B.	Hiyei (21), Haruna (20)	5	4
1936	F.	C.	Kirishima (21)	4	5
1937	G.	D.	Fuso (22)	3	6
1938	H.	E.	Yamashiro (21)	2	7
1939	I.	F.	Ise (22)	1	8
1940		G.	Hiuga (22)	0	9
1941		H.	Nagato (21)	0	9
1942		I.	Mutsu (21)	0	9

* Le Japon pourra conserver le *Shikishimô* et l'*Asahi* pour des destinations autres que le combat, en se conformant aux dispositions de la partie 2, III, (b).

NOTE.—Les lettres A, B, C, D, etc., représentent chacune un navire de ligne de 35.000 tonnes de déplacement type, mis sur cale et achevé dans les années indiquées.

NOTE APPLICABLE TO ALL THE
TABLES IN SECTION II.

The order above prescribed in which ships are to be scrapped is in accordance with their age. It is understood that when replacement begins according to the above tables the order of scrapping in the case of the ships of each of the Contracting Powers may be varied at its option; provided, however, that such Power shall scrap in each year the number of ships above stated.

PART 4.

DEFINITIONS.

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

CAPITAL SHIP.

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

AIRCRAFT CARRIER.

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for car-

NOTE VISANT TOUS LES TABLEAUX
DE LA SECTION II.

Dans les tableaux précédents, l'ordre suivant lequel sont inscrits les navires à déclasser est celui de leur âge. Il est entendu que, quand les remplacements commenceront conformément aux dits tableaux, l'ordre de déclassement des navires de chaque Puissance Contractante pourra être changé au gré de cette Puissance, pourvu qu'elle déclassé chaque année le nombre de navires indiqué par ces tableaux.

PARTIE 4.

DÉFINITIONS.

Dans le présent Traité, les expressions suivantes doivent s'entendre respectivement avec le sens ci-après.

NAVIRE DE LIGNE.

Un navire de ligne, en ce qui concerne les navires à construire dans l'avenir, est un navire de guerre autre qu'un navire porte-aéronefs, dont le déplacement type est supérieur à 10.000 tonnes (10.160 tonnes métriques), ou qui porte un canon d'un calibre supérieur à 8 pouces (203 millimètres).

NAVIRE PORTE-AÉRONEFS.

Un navire porte-aéronefs est un navire de guerre d'un déplacement type supérieur à 10.000 tonnes (10.160 tonnes métriques), spécifiquement et exclusivement destiné à porter des aéronefs. Il doit être construit de manière qu'un aéronef puisse y prendre son vol ou s'y poser. Son plan et sa construction ne doivent pas lui permettre de porter un arme-

rying a more powerful armament than that allowed to it under Article IX or Article X as the case may be.

STANDARD DISPLACEMENT.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons," shall be understood to mean the ton of 2240 pounds (1016 kilos).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

ment plus puissant que celui autorisé soit par l'article IX, soit par l'article X, selon le cas.

DÉPLACEMENT TYPE.

Le déplacement type d'un navire est le déplacement du navire achevé, avec son équipage complet, ses machines et chaudières, prêt à prendre la mer, ayant tout son armement et toutes ses munitions, ses installations, équipements, vivres, eau douce pour l'équipage, approvisionnements divers, outillages et rechanges de toute nature qu'il doit emporter en temps de guerre, mais sans combustible et sans eau de réserve pour l'alimentation des machines et chaudières.

Le mot tonne employé dans le présent traité sans la qualification de "métrique" désigne une tonne de 2.240 lbs. ou 1.016 kilogrammes.

Les navires actuellement achevés continueront à figurer avec le déplacement qui leur est attribué selon leur système national d'évaluation. Toutefois, lorsqu'une Puissance compte le déplacement de ses navires en tonnes métriques, elle sera considérée, pour l'application du présent Traité, comme ne possédant que le tonnage équivalent en tonnes de 2.240 lbs.

Les navires achevés par la suite seront comptés pour leur déplacement type tel qu'il est défini au 1^{er} alinéa de la présente définition.

CHAPTER III.

MISCELLANEOUS PROVISIONS.

ARTICLE XXI.

If during the term of the present Treaty the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other Contracting Powers, shall arrange for a conference of all the Contracting Powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present Treaty to consider what changes, if any, in the Treaty may be necessary to meet such developments.

ARTICLE XXII.

Whenever any Contracting Power shall become engaged in a war which in its opinion affects the naval defence of its national security, such Power may after notice to the other Contracting Powers suspend for the period of hostilities its obligations under the present Treaty other than those under Articles XIII and XVII, provided that such Power shall

CHAPITRE III.

DISPOSITIONS DIVERSES.

ARTICLE XXI.

Si, pendant la durée du présent traité, une Puissance contractante estime que les exigences de sa sécurité nationale, en ce qui touche la défense navale, se trouvent matériellement affectées par des circonstances nouvelles, les Puissances Contractantes se réuniront en Conférence sur sa demande pour examiner à nouveau les dispositions du présent traité et s'entendre sur les amendements à y apporter.

En raison des possibilités de progrès dans l'ordre technique et scientifique, les Etats-Unis provoqueront la réunion d'une Conférence de toutes les Puissances Contractantes après les avoir consultées. Cette Conférence se tiendra aussitôt que possible après l'expiration d'une période de huit ans à dater de la mise en vigueur du présent traité et examinera les changements à y apporter, s'il y a lieu, pour faire face à ces progrès.

ARTICLE XXII.

Si l'une des Puissances Contractantes se trouve engagée dans une guerre qui, dans son opinion, affecte sa sécurité nationale du côté de la mer, cette Puissance pourra, sur avis préalable donné aux autres Puissances Contractantes, se dégager, pour la durée des hostilités, de ses obligations résultant du présent traité, à l'exception de celles qui sont prévues aux articles XIII et XVII. Toutefois,

notify the other Contracting Powers that the emergency is of such a character as to require such suspension.

The remaining Contracting Powers shall in such case consult together with a view to agreement as to what temporary modifications if any should be made in the Treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of said Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the Contracting Powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present Treaty.

ARTICLE XXIII.

The present Treaty shall remain in force until December 31st, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the

cette Puissance devra notifier aux autres Puissances Contractantes que la situation est d'un caractère assez critique pour exiger cette mesure.

Dans ce cas, les autres Puissances Contractantes échangeront leurs vues pour arriver à un accord sur les dérogations temporaires que l'exécution du traité devrait comporter, s'il y a lieu, en ce qui les concerne. Si cet échange de vues ne conduit pas à un accord, conclu régulièrement selon les procédures constitutionnelles auxquelles elles sont respectivement tenues, chacune d'entre elles pourra, après en avoir donné notification aux autres, se dégager, pour la durée des hostilités, des obligations résultant du présent traité, à l'exception de celles qui sont prévues aux articles XIII et XVII.

A la cessation des hostilités les Puissances Contractantes se réuniront en Conférence pour examiner les modifications à apporter, s'il y a lieu, au présent Traité.

ARTICLE XXIII.

Le présent traité restera en vigueur jusqu'au 31 décembre 1936. S'il n'est fait notification deux ans avant cette date par aucune des Puissances Contractantes de son intention de mettre fin au traité, ce dernier restera en vigueur jusqu'à l'expiration d'un délai de deux ans à dater du jour où l'une des Puissances Contractantes notifiera son intention de mettre fin au traité. En ce cas le traité prendra fin pour toutes les Puissances Contractantes. La notification devra être faite par écrit au Gouvernement des Etats-

Government of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

ARTICLE XXIV.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies

Unis, qui devra immédiatement en transmettre aux autres Puissances une copie authentique avec l'indication de la date de réception. La notification sera considérée comme faite à cette date, à partir de laquelle elle produira son effet. Dans le cas où le Gouvernement des Etats-Unis notifierait son intention de mettre fin au Traité, cette notification sera remise aux représentants diplomatiques à Washington des autres Puissances Contractantes; la notification sera considérée comme faite et prendra effet à la date de la communication aux dits représentants diplomatiques.

Toutes les Puissances Contractantes devront se réunir en Conférence dans le délai d'un an à partir de la date à laquelle aura pris effet la notification, par une des Puissances, de son intention de mettre fin au Traité.

ARTICLE XXIV.

Le présent traité sera ratifié par les Puissances Contractantes selon les procédures constitutionnelles auxquelles elles sont respectivement tenues. Il prendra effet à la date du dépôt de toutes les ratifications, dépôt qui sera effectué à Washington, le plus tôt qu'il sera possible. Le Gouvernement des Etats-Unis remettra aux autres Puissances Contractantes une copie authentique du procès verbal de dépôt des ratifications.

Le présent traité, dont les textes français et anglais feront foi, restera déposé dans les archives du Gouvernement des Etats-Unis; des expéditions authentiques en seront remises par ce Gouverne-

thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the sixth day of February, One Thousand Nine Hundred and Twenty-Two.

ment aux autres Puissances Contractantes.

En foi de quoi les Plénipotentiaires sus-nommés ont signé le présent Traité.

Fait à Washington le six février mil-neuf-cent-vingt-deux.

CHARLES EVANS HUGHES

HENRY CABOT LODGE

OSCAR W. UNDERWOOD

ELIHU ROOT.

ARTHUR JAMES BALFOUR

LEE OF FAREHAM

A. C. GEDDES

R. L. BORDEN

G. F. PEARCE

JOHN W. SALMOND

ARTHUR JAMES BALFOUR

V. S. SRINIVASA SASTRI

A. SARRAUT

JUSSERAND

CARLO SCHANZER

V. ROLANDI RICCI

LUIGI ALBERTINI

T. KATO

K. SHIDEHARA

M. HANIHARA.

(2) A TREATY BETWEEN THE SAME POWERS, IN RELATION TO THE USE OF SUBMARINES AND NOXIOUS GASES IN WARFARE.

The United States of America, the British Empire, France, Italy and Japan, hereinafter referred to as the Signatory Powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chem-

(2) TRAITÉ ENTRE LES NEUF POUVOIRS, RELATIVEMENT À EMPLOI DES SOUS-MARINS ET DES GAZ ASPHYXIANTS EN TEMPS DE GUERRE.

Les Etats-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon, ci-après désignés les Puissances Signataires, désireux de rendre plus efficaces les règles adoptées par les nations civilisées pour la protection de la vie des neutres et des non-combattants sur la mer en temps de guerre et d'empêcher l'emploi dans la guerre des gaz et

icals, have determined to conclude a Treaty to this effect, and have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator, the Right Honourable George Foster Pearce, Minister for Home and Territories;

des produits chimiques nuisibles, ont décidé de conclure un traité à cet effet et ont nommé pour leurs Plénipotentiaires, savoir:

Le Président des Etats-Unis d'Amérique:

Charles Evans Hughes;
Henry Cabot Lodge;
Oscar W. Underwood;
Elihu Root,
citoyens des Etats-Unis;

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires britanniques au-delà des mers, Empereur des Indes:

Le Très-Honorable Arthur James Balfour, O. M., M. P., Lord Président du Conseil du Roi;

Le Très-Honorable Baron Lee of Fareham, G. B. E., K. C. B., Premier Lord de l'Amirauté;

Le Très-Honorable Sir Auckland Campbell Geddes, K. C. B., Son Ambassadeur Extraordinaire et Plénipotentiaire aux Etats-Unis d'Amérique;

et

pour le Dominion du Canada:

Le Très-Honorable Sir Robert Laird Borden, G. C. M. G., K. C.;

pour le Commonwealth d'Australie:

Le Très-Honorable George Foster Pearce, Sénateur, Ministre de l'Intérieur et des Territoires;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O. M., M. P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy,

pour le Dominion de la Nouvelle-Zélande:

L'Honorable Sir John William Salmond, K. C., Juge à la Cour Suprême de Nouvelle-Zélande;

pour l'Union Sud-Africaine:

Le Très-Honorable Arthur James Balfour, O. M., M. P.;

pour l'Inde:

Le Très-Honorable Valingman Sankanranarayana Srinivasa Sustri, Membre du Conseil d'Etat de l'Inde;

Le Président de la République française:

M. Albert Sarraut, Député, Ministre des Colonies;

M. Jules J. Jusserand, Ambassadeur Extraordinaire et Plénipotentiaire près le Président des Etats-Unis d'Amérique, Grand Croix de l'Ordre National de la Légion d'Honneur;

Sa Majesté le Roi d'Italie:

L'Honorable Carlo Schanzer, Sénateur du Royaume;

L'Honorable Vittorio Rolandi Ricci, Sénateur du Royaume, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington;

L'Honorable Luigi Albertini, Sénateur du Royaume;

Sa Majesté l'Empereur du Japon:

Le Baron Tomosaburo Kato, Ministre de la

Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

ARTICLE I.

The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law;

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

Marine, Junii, Membre de la Première Classe de l'Ordre Impérial du Grand Cordon du Soleil Levant avec la Fleur de Paulonia;

Le Baron Kijuro Shidehara, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington, Joshii, Membre de la Première Classe de l'Ordre Impérial du Soleil Levant;

M. Masanao Hanihara, Vice-Ministre des Affaires Etrangères, Jushii, Membre de la Seconde Classe de l'Ordre Impérial du Soleil Levant;

Lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes:

ARTICLE I.

Les Puissances signataires déclarent qu'au nombre des règles adoptées par les nations civilisées pour la protection de la vie des neutres et des non combattants en mer en temps de guerre les règles suivantes doivent être considérées comme faisant déjà partie du droit international:

(1) Un navire de commerce ne peut être saisi avant d'avoir reçu l'ordre, en vue de déterminer son caractère, de se soumettre à la visite et à la perquisition.

Un navire de commerce ne peut être attaqué que si, après mise en demeure, il refuse de s'arrêter pour se soumettre à la visite et à la perquisition, ou si, après saisie, il refuse de suivre la route qui lui est indiquée.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

ARTICLE II.

The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

ARTICLE III.

The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy

Un navire de commerce ne peut être détruit que lorsque l'équipage et les passagers ont été préalablement mis en sûreté.

(2) Les sous-marins belligérants ne sont, en aucune circonstance, dispensés des règles universelles ci-dessus rappelées; au cas où un sous-marin ne serait pas en mesure de capturer un navire de commerce en respectant lesdites règles, il doit d'après le droit des gens reconnu, renoncer à l'attaque ainsi qu'à la saisie et laisser le navire de commerce continuer sa route sans être molesté.

ARTICLE II.

Les Puissances signataires invitent toutes les autres Puissances civilisées à adhérer à la reconnaissance de ce droit établi, de sorte qu'il y ait une entente publique universelle bien définie quant aux règles de conduite selon lesquelles l'opinion publique du monde jugera les belligérants de l'avenir.

ARTICLE III.

Les Puissances signataires, désireuses d'assurer l'exécution des lois d'humanité déjà reconnues et confirmées par elles relativement à l'attaque, à la saisie et à la destruction des navires de commerce, déclarent en outre que tout individu au service de quelque puissance que ce soit, agissant ou non sur l'ordre d'un supérieur hiérarchique, qui violera l'une ou l'autre desdites règles, sera réputé avoir violé les lois de la guerre et sera susceptible d'être jugé et puni comme s'il avait commis un acte de piraterie. Il pourra être mis

and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

ARTICLE IV.

The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

ARTICLE V.

The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties.

The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition,

en jugement devant les autorités civiles et militaires de toute Puissance dans le ressort de l'autorité de laquelle il sera trouvé.

ARTICLE IV.

Les Puissances signataires reconnaissent qu'il est pratiquement impossible d'utiliser les sous-marins à la destruction du commerce sans violer, ainsi qu'il a été fait au cours de la guerre de 1914-1918, les principes universellement acceptés par les nations civilisées pour la protection de la vie des neutres et des non combattants, et, dans le dessein de faire universellement reconnaître comme incorporée au droit des gens l'interdiction d'employer les sous-marins à la destruction du commerce, conviennent de se considérer comme liées désormais entre elles par cette interdiction et invitent toutes les autres nations à adhérer au présent accord.

ARTICLE V.

L'emploi en temps de guerre des gaz asphyxiants, toxiques ou similaires, ainsi que de tous liquides, matières ou procédés analogues, ayant été condamné à juste titre par l'opinion universelle du monde civilisé, et l'interdiction de cet emploi ayant été formulée dans des traités auxquels le plus grand nombre des Puissances civilisées sont parties:

Les Puissances signataires, dans le dessein de faire universellement reconnaître comme incorporée au droit des gens cette interdiction, qui s'impose également à la conscience et à la pratique des nations, déclarent reconnaître cette pro-

agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

ARTICLE VI.

The present Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the Signatory Powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

The Government of the United States will transmit to all the Signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

ARTICLE VII.

The Government of the United States will further transmit to each of the Non-Signatory Powers a duly certified copy of the present Treaty and invite its adherence thereto.

Any Non-Signatory Power may adhere to the present Treaty by communicating an Instrument of Adherence to the Government of the United States, which will thereupon transmit to each of the Signatory and Adhering Powers a certified copy of each Instrument of Adherence.

hibition, conviennent de se considérer comme liées entre elles à cet égard et invitent toutes les autres nations civilisées à adhérer au présent accord.

ARTICLE VI.

Le présent Traité sera ratifié aussitôt que possible par les Puissances signataires selon les procédures constitutionnelles auxquelles elles sont respectivement tenues. Il prendra effet à la date du dépôt de toutes les ratifications, dépôt qui sera effectué à Washington. Le Gouvernement des Etats-Unis remettra à toutes les Puissances signataires une expédition authentique du procès-verbal de dépôt des ratifications.

Le présent Traité, dont les textes français et anglais feront foi, restera déposé dans les archives du Gouvernement des Etats-Unis; des expéditions authentiques en seront remises par ce Gouvernement à chacune des Puissances signataires.

ARTICLE VII.

Le Gouvernement des Etats-Unis fera parvenir ultérieurement à toutes les Puissances non signataires une expédition authentique du présent Traité et les invitera à y donner leur adhésion.

Toute Puissance non signataire pourra adhérer au présent Traité en faisant parvenir l'Instrument portant adhésion au Gouvernement des Etats-Unis, qui en transmettra une expédition authentique à chacune des Puissances signataires ou adhérentes.

In faith whereof, the above named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington, the sixth day of February, one thousand nine hundred and twenty-two.

En foi de quoi les Plénipotentiaires sus-nommés ont signé le présent traité.

Fait à Washington, le six février mil neuf cent vingt-deux.

[L. S.] CHARLES EVANS HUGHES

[L. S.] HENRY CABOT LODGE

[L. S.] OSCAR W UNDERWOOD

[L. S.] ELIHU ROOT

[L. S.] ARTHUR JAMES BALFOUR

[L. S.] LEE OF FAREHAM.

[L. S.] A. C. GEDDES

R. L. BORDEN. [L. S.]

G. F. PEARCE [L. S.]

JOHN W SALMOND [L. S.]

ARTHUR JAMES BALFOUR [L. S.]

V S SRINIVASA SASTRI [L. S.]

A SARRAUT [L. S.]

JUSSELAND [L. S.]

CARLO SCHANZER [L. S.]

[L. S.] V. ROLANDI RICCI

[L. S.] LUIGI ALBERTINI

[L. S.] T. KATO

[L. S.] K. SHIDEHARA

[L. S.] M. HANIHARA

(3) A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, AND JAPAN, SIGNED DECEMBER 13, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE PACIFIC OCEAN.

The United States of America, the British Empire, France and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

(3) TRAITÉ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE, L'EMPIRE BRITANNIQUE, LA FRANCE ET LE JAPON, SIGNÉ LE 13 DÉCEMBRE 1921, RELATIVEMENT A LEURS POSSESSIONS INSULAIRES ET LEURS DOMINIONS INSULAIRES DANS LA RÉGION DE L'Océan PACIFIQUE.

Les Etats-Unis d'Amérique, l'Empire Britannique, la France et le Japon,

En vue de préserver la paix générale et de maintenir leurs droits touchant leurs possessions insulaires ainsi que leurs dominions insulaires dans la zone de l'Océan Pacifique,

Have determined to conclude a Treaty to this effect and have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood and
Elihu Root; citizens of
the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable
Arthur James Balfour,
O. M., M. P., Lord
President of His Privy
Council;

The Right Honourable
Baron Lee of Fareham,
G. B. E., K. C. B., First
Lord of His Admiralty;

The Right Honourable
Sir Auckland Campbell
Geddes, K. C. B., His
Ambassador Extraor-
dinary and Plenipoten-
tiary to the United
States of America;

And

for the Dominion of Canada:

The Right Honourable
Robert Laird Borden,
G. C. M. G., K. G.;

for the Commonwealth of Aus-
tralia:

The Honourable George
Foster Pearce, Minister
of Defence;

for the Dominion of New Zea-
land:

Sir John William Sal-
mond, K. C., Judge of

Ont décidé de conclure un traité à cet effet et ont désigné pour leurs Plénipotentiaires, savoir:

Le Président des Etats-Unis d'Amérique:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root, citoyens des
Etats-Unis,

Sa Majesté le Roi de Royaume-Uni de Grande-Bretagne et d'Irlande et des territoires britanniques au-delà des mers, Empereur des Indes:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P., Lord Président du
Conseil du Roi;

Le Très-Honorable Baron
Lee of Fareham, G. B. E.,
K. C. B., Premier Lord
de l'Amirauté;

Le Très-Honorable Sir Auck-
land Campbell Geddes,
K. C. B., son Ambassa-
deur Extraordinaire et
Plénipotentiaire aux
Etats-Unis d'Amérique;

Et

pour le Dominion du Canada:

Le Très-Honorable Robert
Laird Borden, G. C. M.
G., K. C.;

pour le Commonwealth d'Aus-
tralie:

L'Honorable George Fos-
ter Pearce, Ministre de
la Défense;

pour le Dominion de la Nou-
velle-Zélande:

Sir John William Salmond,
K. C., Juge à la Cour

the Supreme Court of
New Zealand;

for the Union of South Africa:

The Right Honourable Ar-
thur James Balfour, O.
M., M. P.;

for India:

The Right Honourable
Valingman Sankarana-
rayana Srinivasa Sas-
tri, Member of the In-
dian Council of State;

The President of the French
Republic:

Mr. René Viviani, Dep-
uty, Former President
of the Council of Minis-
ters;

Mr. Albert Sarraut, Dep-
uty, Minister of the
Colonies;

Mr. Jules J. Jusserand,
Ambassador Extraordi-
nary and Plenipotenti-
ary to the United States
of America, Grand
Cross of the National
Order of the Legion of
Honour;

His Majesty the Emperor of
Japan:

Baron Tomosaburo Kato,
Minister for the Navy,
Junii, a member of the
First Class of the Im-
perial Order of the
Grand Cordon of the
Rising Sun with the
Paulownia Flower;

Baron Kijuro Shidehara,
His Ambassador Extra-
ordinary and Plenipo-
tentiary at Washington,
Joshii, a member of the
First Class of the Im-
perial Order of the Ris-
ing Sun;

Suprême de Nouvelle-
Zélande;

pour l'Union Sud-Africaine:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P.

pour l'Inde:

Le Très-Honorable Vaing-
man Sankaranarayana
Srinivasa Sastri, Mem-
bre du Conseil d'Etat de
l'Inde;

Le Président de la République
française:

M. René Viviani, Député,
ancien Président du Con-
seil des Ministres,

M. Albert Sarraut, Dé-
puté, Ministre des Colo-
nies,

M. Jules J. Jusserand, Am-
bassadeur Extraordinaire
et Plénipotentiaire près le
Président des Etats-Unis
d'Amérique, Grand'croix
de l'Ordre National de la
Légion d'honneur;

Sa Majesté l'Empereur du Ja-
pon:

Le Baron Tomosaburo Kato,
Ministre de la Marine,
Junii, Membre de la Pre-
mière Classe de l'Ordre
Impérial du Grand Cordon
du Soleil Levant avec la
Fleur de Paulonia;

Le Baron Kijuro Shidehara,
Son Ambassadeur Extraor-
dinaire et Plénipotentiaire
à Washington, Joshii, Mem-
bre de la Première Classe
de l'Ordre Impérial du So-
leil Levant;

Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun ;

Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun ;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows :

I.

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other Power, the High Con-

Le Prince Iyesato Tokugawa, Junii, Membre de la Première Classe de l'Ordre Impérial du Soleil Levant ;

M. Masanao Hanihara, Vice-Ministre des Affaires Etrangères, Jushii, Membre de la Seconde Classe de l'Ordre Impérial du Soleil Levant ;

Lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes :

I.

Les Hautes Parties Contractantes conviennent, en ce qui les concerne, de respecter leurs droits touchant leurs possessions insulaires ainsi que leurs dominions insulaires dans la zone de l'Océan Pacifique.

S'il venait à surgir entre certaines des Hautes Parties Contractantes un différend issu d'une question quelconque concernant le Pacifique et mettant en cause leurs droits ci-dessus visés, différend qui ne serait pas réglé d'une façon satisfaisante par la voie diplomatique et qui risquerait de compromettre l'heureuse harmonie existant actuellement entre elles, ces Puissances devront inviter les autres Parties Contractantes à réunir dans une Conférence qui sera saisie de l'ensemble de la question aux fins d'examen et règlement.

II.

Au cas où les droits ci-dessus visés seraient menacés par la conduite agressive de toute autre-

tracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This Treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

IV.

This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the Signatory Powers a certified copy of the proces-verbal of the deposit of ratifications.

The present Treaty, in French and in English, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

Puissance, les Hautes Parties Contractantes devront entrer en communication entre elles de la manière la plus complète et la plus franche, afin d'arriver à une entente sur les mesures les plus efficaces à prendre, conjointement ou séparément, pour faire face aux nécessités de la situation.

III.

Le présent Traité produira ses effets pendant une durée de dix années à dater du jour de sa mise en vigueur, et, à l'expiration de la dite période, continuera à produire ses effets sous réserve du droit de chacune des Hautes Parties Contractantes d'y mettre fin sur préavis de douze mois.

IV.

Le présent Traité sera ratifié aussitôt que faire se pourra, conformément aux méthodes constitutionnelles des Hautes Parties contractantes; il entrera en vigueur dès le dépôt des ratifications qui sera effectué à Washington; sur quoi, la Convention entre la Grande Bretagne et le Japon, conclue à Londres le 13 Juillet 1911, prendra fin. Le Gouvernement des Etats-Unis remettra à chacune des Puissances signataires une copie certifiée conforme du procès-verbal de dépôt des ratifications.

Le présent Traité, en français et en anglais, restera déposé dans les archives du Gouvernement des Etats-Unis et des copies certifiées conformes en seront remises par ce Gouvernement à chacune des Puissances Signataires.

In faith whereof the above named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington, the thirteenth day of December, One Thousand Nine Hundred and Twenty-One.

En foi de quoi les Plénipotentiaires sus-nommés ont signé le présent Traité.

Fait à Washington, le treize Décembre mil neuf cent vingt et un.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE.	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	A M JAMES BALFOUR	[L. S.]
	LEE OF FAREHAM.	[L. S.]
	A. C. GEDDES	[L. S.]
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	
[L. S.]	A M JAMES BALFOUR	
[L. S.]	V S SRINIVASA SASTRI	
[L. S.]	RENÉ VIVIANI	
[L. S.]	A. SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	T. KATO	
[L. S.]	K. SHIDEHARA.	
[L. S.]	TOKUGAWA IYESATO	
[L. S.]	M. HANIHARA	

(4) DECLARATION ACCOMPANYING THE ABOVE FOUR-POWER TREATY.

In signing the Treaty this day between The United States of America, The British Empire, France and Japan, it is declared and intent of the Signatory Powers:

1. That the Treaty shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of The United States of America to the mandates and shall not preclude agreements between The United

(4) DÉCLARATION ANNEXÉE AU TRAITÉ CI-DESSUS DES QUATRE POUVOIRS.

Il est déclaré, au moment de signer ce jour le traité entre les Etats-Unis d'Amérique, l'Empire Britannique, la France et le Japon, que c'est la volonté et l'intention des Puissances signataires:

1. Que le traité s'appliquera aux Iles sous mandat situées dans l'Océan Pacifique; sous réserve cependant que la conclusion du traité ne pourra être considérée comme impliquant l'assentiment, de la part des Etats-Unis d'Amérique, aux mandats et n'empêchera pas la conclusion, entre

States of America and the Mandatory Powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers.

Washington, D. C., December 13, 1921.

les Etats-Unis d'Amérique et les Puissances mandataires respectivement, d'accords ayant trait aux Iles sous mandat.

2. Que ne seront pas comprises parmi les contestations visées au second paragraphe de l'article premier les questions qui, d'après les principes du droit international, relèvent exclusivement de la souveraineté des Puissances respectives.

Washington, le treize Décembre, dix-neuf cent vingt et un.

CHARLES EVANS HUGHES

HENRY CABOT LODGE

OSCAR W UNDERWOOD

ELIHU ROOT

A M JAMES BALFOUR

LEE OF FAREHAM

A. C. GEDDES

R. L. BORDEN.

G. F. PEARCE

JOHN W SALMOND

A M JAMES BALFOUR

V S SRINIVASA SASTRI

RENÉ VIVIANI

A SARRAUT

JUSSERAND

T. KATO

K. SHIDEHARA

TOKUGAWA IYESATO

M. HANIHARA

(5) A TREATY BETWEEN THE SAME FOUR POWERS, SUPPLEMENTARY TO THE ABOVE, SIGNED FEBRUARY 6, 1922.

The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on December 13, 1921:

(5) TRAITÉ ENTRE LES MÊMES QUATRE POUVOIRS, SUPPLÉMENTAIRE AU TRAITÉ CIDESSUS, SIGNÉ LE 6 FÉVRIER 1922.

Les Etats-Unis d'Amérique, l'Empire Britannique, la France et le Japon ont convenu, par l'entremise de leurs Plénipotentiaires respectifs, d'ajouter la clause suivante au Traité signé entre les quatre Puissances à Washington le 13 décembre 1921.

The term "insular possessions and insular dominions" used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the Southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

The provisions of Article IV of the aforesaid Treaty of December 13, 1921, relating to ratification shall be applicable to the present Agreement, which in French and English shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

In faith whereof the respective Plenipotentiaries have signed the present Agreement.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two.

Les expressions "possessions insulaires" et "dominions insulaires" employées dans le dit Traité ne s'appliquera, en ce qui concerne le Japon, qu'au Karafuto (c'est-à-dire à la partie sud de l'île de Sakhaline), à Formose et aux Pescadores, ainsi qu'aux îles placées sous le mandat du Japon.

Le présent accord aura même force et valeur que le dit Traité dont il forme une clause supplémentaire.

Les dispositions touchant les ratifications, contenues dans l'article IV du dit Traité du 13 décembre 1921, seront applicables au présent accord. Le texte, rédigé en français et en anglais restera déposé dans les archives du Gouvernement des Etats-Unis. Une expédition authentique en sera remise par ce Gouvernement à chacune des autres Puissances Contractantes.

En foi de quoi, les Plénipotentiaires des Puissances sus-nommées ont signé au présent accord.

Fait à Washington le six février, mil neuf cent vingt-deux-

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
[L. S.]	ELIHU ROOT	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES	
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	

[L. S.] ARTHUR JAMES BALFOUR

[L. S.] V S SRINIVASA SASTRI

A SARRAUT

[L. S.]

JUSSERAND

[L. S.]

T. KATO

[L. S.]

K. SHIDEHARA

[L. S.]

M. HANIHARA

[L. S.]

(6) A TREATY BETWEEN ALL
NINE POWERS RELATING TO
PRINCIPLES AND POLICIES TO
BE FOLLOWED IN MATTERS
CONCERNING CHINA.

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,

citizens of the United States.

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassa-

(6) TRAITÉ ENTRE LES NEUF POU-
VOIRS SIGNATAIRES, RELATIVE-
MENT AUX PRINCIPES ET À LA
POLITIQUE À SUIVRE CONCER-
NANT LA CHINE.

Les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, la France, l'Italie, le Japon, les Pays-Bas et le Portugal:

Désireux d'adopter une politique de nature à stabiliser les conditions de l'Extrême Orient, à sauvegarder les droits et intérêts de la Chine et à développer les relations entre la Chine et les autres Puissances sur la base de l'égalité des chances;

Ont décidé de conclure un traité à cet effet et ont désigné pour leurs plénipotentiaires respectifs:

Le Président des Etats-Unis d'Amérique:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,

citoyens des Etats-Unis;

Sa Majesté le Roi des Belges:

Le baron de Cartier de Marchienne, Commandeur de l'Ordre de Léopold et de l'Ordre de la Couronne, Son Ambassa-

dor Extraordinary and
Plenipotentiary at
Washington;

His Majesty the King of the
United Kingdom of Great Brit-
ain and Ireland and of the
British Dominions beyond the
Seas, Emperor of India:

The Right Honourable
Arthur James Balfour,
O. M., M. P., Lord Pres-
ident of His Privy
Council;

The Right Honourable
Baron Lee of Fareham,
G. B. E., K. C. B., First
Lord of His Admiralty;

The Right Honourable
Sir Auckland Camp-
bell Geddes, K. C. B.,
His Ambassador Ex-
traordinary and Pleni-
potentiary to the
United States of
America;

and

for the Dominion of Canada:

The Right Honourable Sir
Robert Laird Borden,
G. C. M. G., K. C.;

for the Commonwealth of
Australia:

Senator the Right Hon-
ourable George Foster
Pearce, Minister for
Home and Territories;

for the Dominion of New Zea-
land:

The Honourable Sir John
William Salmond, K. C.,
Judge of the Supreme
Court of New Zealand;

for the Union of South Africa:

The Right Honourable
Arthur James Balfour,
O. M., M. P.;

sadeur Extraordinaire et
Plénipotentiaire à Wash-
ington;

Sa Majesté le Roi du Royaume-
Uni de Grande-Bretagne et
d'Irlande et des territoires britan-
niques au delà des mers, Empe-
reur des Indes:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P., Lord Président
du Conseil du Roi;

Le Très-Honorable Baron
Lee of Fareham, G. B.
E., K. C. B., Premier
Lord de l'Amirauté.

Le Très-Honorable Sir
Auckland Campbell
Geddes, K. C. B., Son
Ambassadeur Extraor-
dinaire et Plénipoten-
tiaire aux Etats-Unis
d'Amérique;

et

pour le Dominion du Canada:

Le Très-Honorable Sir Rob-
ert Laird Borden, G. C. M.
G., K. C.;

pour le Commonwealth d'Aus-
tralie:

Le Très-Honorable George
Foster Pearce, Sénateur,
Ministre de l'Intérieur et
des Territoires;

pour le Dominion de la Nou-
velle-Zélande:

L'Honorable Sir John Wil-
liam Salmond, K. C.,
Juge à la Cour Suprême
de Nouvelle-Zélande;

pour l'Union Sud-Africaine:

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P.;

for India :

The Right Honourable
Valingman Sankarana-
rayana Srinivasa Sas-
tri, Member of the In-
dian Council of State;

The President of the Republic
of China :

Mr. Sao-Ke Alfred Sze,
Envoy Extraordinary
and Minister Plenipo-
tentiary at Washing-
ton;

Mr. V. K. Wellington Koo,
Envoy Extraordinary
and Minister Plenipo-
tentiary at London;

Mr. Chung-Hui Wang,
former Minister of Jus-
tice.

The President of the French
Republic :

Mr. Albert Sarraut, Dep-
uty, Minister of the
Colonies;

Mr. Jules J. Jusserand,
Ambassador Extraordi-
nary and Plenipotenti-
ary to the United
States of America,
Grand Cross of the Na-
tional Order of the
Legion of Honour;

His Majesty the King of
Italy :

The Honourable Carlo
Schanzer, Senator of
the Kingdom;

The Honourable Vittorio
Rolandi Ricci, Senator
of the Kingdom, His
Ambassador Extraordi-
nary and Plenipoten-
tiary at Washington;

The Honourable Luigi Al-
bertini, Senator of the
Kingdom;

pour l'Inde :

Le Très-Honorable Valing-
man Sankaranarayana
Srinivasa Sastri, Membre
du Conseil d'Etat de
l'Inde :

Le Président de la République
Chinoise :

M. Sao-Ke Alfred Sze, En-
voyé Extraordinaire et
Ministre Plénipotentiaire
à Washington;

M. V. K. Wellington Koo,
Envoyé Extraordinaire et
Ministre Plénipotentiaire
à Londres;

M. Chung-Hui Wang, An-
cien Ministre de la Jus-
tice;

Le Président de la République
Française :

M. Albert Sarraut, Député,
Ministre des Colonies;

M. Jules J. Jusserand, Am-
bassadeur Extraordinaire
et Plénipotentiaire près le
Président des Etats-Unis
d'Amérique, Grand
Croix de l'Ordre National
de la Légion d'Honneur;

Sa Majesté le Roi d'Italie :

L'Honorable Carlo Schanzer,
Sénateur du Royaume;

L'Honorable Vittorio Ro-
landi Ricci, Sénateur du
Royaume, Son Ambas-
sadeur Extraordinaire et
Plénipotentiaire à Wash-
ington;

L'Honorable Luigi Alber-
tini, Sénateur du Roy-
aume :

His Majesty the Emperor of Japan :

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower ;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun ;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun ;

Her Majesty the Queen of The Netherlands :

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary ;

Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington ;

The President of the Portuguese Republic :

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington ;

Sa Majesté l'Empereur du Japon :

Le Baron Tomosaburo Kato, Ministre de la Marine, Junii, Membre de la Première Classe de l'Ordre Impérial du Grand Cordon du Soleil Levant avec la Fleur de Paulonia ;

Le Baron Kijuro Shidehara, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington, Joshii, Membre de la Première Classe de l'Ordre Impérial du Soleil Levant ;

M. Masanao Hanihara, Vice-Ministre des Affaires Etrangères, Jushii, Membre de la Seconde Classe de l'Ordre Impérial du Soleil Levant ;

Sa Majesté la Reine des Pays-Bas :

Le Jonkheer Frans Beelaerts van Blokland, Son Envoyé Extraordinaire et Ministre Plénipotentiaire ;

Le Jonkheer Willem Hendrik de Beaufort, Ministre Plénipotentiaire, Chargé d'Affaires à Washington ;

Le Président de la République Portugaise :

M. José Francisco de Horta Machado da Franca, Vicomte d'Alte, Envoyé Extraordinaire et Ministre Plénipotentiaire à Washington ;

Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one

M. Ernesto Julio de Carvalho e Vasconcelos, Capitaine de Vaisseau, Directeur Technique du Ministère des Colonies.

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes:

ARTICLE I.

Les Puissances Contractantes, autres que la Chine, conviennent:

1) de respecter la souveraineté et l'indépendance ainsi que l'intégrité territoriale et administrative de la Chine;

2) d'offrir à la Chine, de la manière la plus complète et la plus libre d'entraves, la possibilité de s'assurer les avantages permanents d'un Gouvernement stable et efficace;

3) d'user de leur influence en vue d'établir effectivement et de maintenir en application sur tout le territoire de la Chine le principe de la chance égale pour le commerce et l'industrie de toutes les nations;

4) de s'abstenir de tirer avantage des circonstances en Chine pour rechercher des droits ou privilèges spéciaux susceptibles de porter atteinte aux droits des ressortissants d'Etats amis; elles s'abstiendront également de favoriser toute action constituant une menace pour la sécurité des dits Etats amis.

ARTICLE II.

Les Puissances Contractantes conviennent de ne participer à aucun traité, accord, arrangement ou entente soit conclus entre elles,

another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking.

(a) any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China ;

(b) any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or

soit conclus séparément ou collectivement avec une ou plusieurs Puissances, qui porterait atteinte ou contreviendrait aux principes déclarés dans l'Article I.

ARTICLE III.

En vue d'appliquer avec plus d'efficacité les principes de la porte ouverte ou de la chance égale pour le commerce et l'industrie de toutes les nations en Chine, les Puissances Contractantes autres que la Chine, conviennent de ne pas rechercher, ni aider leurs ressortissants à rechercher :

a) la conclusion d'accords qui tendraient à établir en faveur de leurs intérêts des droits généraux supérieurs à ceux des autres touchant le développement commercial ou économique dans une région déterminée de la Chine ;

b) l'obtention de monopoles ou traitements préférentiels de nature à priver les ressortissants d'autres puissances du droit d'entreprendre en Chine toute forme légitime de commerce ou d'industrie, ou de participer, soit avec le Gouvernement chinois, soit avec des autorités locales, à toute catégorie d'entreprises ayant un caractère public, ou de monopoles ou traitements préférentiels qui, en raison de leur portée, de leur durée ou de leur étendue territoriale, seraient de nature à constituer en pratique une violation du principe de la chance égale. Toutefois le présent accord ne devra pas être interprété comme interdisant l'acquisition de tels biens ou droits qui pourraient être nécessaires soit à la conduite d'entreprises particulières commerciales, industrielles ou finan-

to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

ARTICLE IV.

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

cières, soit à l'encouragement des inventions et recherches.

La Chine s'engage à adopter les principes ci-dessus comme guides en ce qui concerne la suite à donner aux demandes de droits et privilèges économiques de la part de Gouvernements ou ressortissants de tous pays étrangers, qu'ils soient ou non parties au présent Traité.

ARTICLE IV.

Les Puissances Contractantes conviennent de ne pas donner leur appui à des accords qui seraient conclus entre leurs ressortissants respectifs avec l'intention d'établir au profit de ces derniers des sphères d'influence ou de leur assurer des avantages exclusifs dans des régions déterminées du territoire chinois.

ARTICLE V.

La Chine s'engage à n'appliquer ni permettre, sur aucun chemin de fer chinois, aucune discrimination injuste d'aucune sorte. En particulier il ne devra pas y avoir de discrimination directe ou indirecte, quelle qu'elle soit, en matière de tarifs ou de facilités de transports, qui soit basée: soit sur la nationalité des voyageurs, soit sur le pays dont ils viennent, soit sur celui de leur destination, soit sur l'origine des marchandises, le caractère des propriétaires, ou le pays de provenance ou de destination; soit sur la nationalité du navire ou sur le caractère du propriétaire du navire ou de tout autre moyen de transport à l'usage des voyageurs ou des marchandises, employé avant ou après le transport par un chemin de fer chinois.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI.

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

ARTICLE VIII.

Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to

Les autres Puissances Contractantes prennent de leur côté un engagement similaire concernant les lignes chinoises de chemin de fer sur lesquelles soit elles-mêmes, soit leurs ressortissants seraient en mesure d'exercer le contrôle en vertu d'une concession, d'un accord spécial ou autrement.

ARTICLE VI.

Les Puissances Contractantes, autres que la Chine, conviennent de respecter pleinement, au cours des guerres auxquelles la Chine ne participerait pas, les droits de cette dernière en tant que puissance neutre; la Chine, d'autre part, déclare que lorsqu'elle sera neutre, elle observera les règles de la neutralité.

ARTICLE VII.

Les Puissances Contractantes conviennent que, dans le cas où une situation se produirait qui dans l'opinion de l'une ou l'autre d'entre elles, comporterait l'application des stipulations du présent Traité et en rendrait la discussion désirable, les Puissances Contractantes en cause échangeront à cet égard de franches et complètes communications.

ARTICLE VIII.

Les Puissances non-signataires au présent traité, dont le Gouvernement est reconnu par les Puissances signataires et qui ont des relations par traités avec la Chine, seront invitées à adhérer audit présent traité. Dans ce but le Gouvernement des Etats-Unis fera aux Puissances non-signataires les communications néces-

nonsignatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the Sixth day of February One Thousand Nine Hundred and Twenty-two.

saires; il informera les Puissances Contractantes des réponses reçues. L'adhésion de toute Puissance deviendra effective dès réception des notifications faites à cet égard par le Gouvernement des Etats-Unis.

ARTICLE IX.

Le présent Traité sera ratifié par les Puissances Contractantes selon les procédures constitutionnelles auxquelles elles sont respectivement tenues. Il prendra effet à la date du dépôt de toutes les ratifications, dépôt qui sera effectué à Washington, le plus tôt qu'il sera possible. Le Gouvernement des Etats-Unis remettra aux autres Puissances Contractantes une copie authentique du procès-verbal de dépôt des ratifications.

Le présent Traité, dont les textes français et anglais feront foi, restera déposé dans les archives du Gouvernement des Etats-Unis; des expéditions authentiques en seront remises par ce Gouvernement aux autres Puissances Contractantes.

En foi de quoi, les Plénipotentiaires sus-nommés ont signé le présent Traité.

Fait à Washington le six février mil neuf cent vingt-deux.

CHARLES EVANS HUGHES

[L. S.]

HENRY CABOT LODGE

[L. S.]

OSCAR W. UNDERWOOD

[L. S.]

ELIHU ROOT

[L. S.]

BARON DE CARTIER DE MARCHIENNE

[L. S.]

ARTHUR JAMES BALFOUR

[L. S.]

LEE OF FAIRHAM

[L. S.]

	A. C. GEDDES	[L. S.]
	R. L. BORDEN	[L. S.]
	G. F. PEARCE	[L. S.]
	JOHN W. SALMOND	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	V. S. SRINIVASA SASTRI	[L. S.]
[L. S.]	SAO-KE ALFRED SZE	
[L. S.]	V. K. WELLINGTON KOO	
[L. S.]	CHUNG-HUI WANG	
[L. S.]	A. SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	CARLO SCHANZER	
[L. S.]	V. ROLANDI RICCI	
[L. S.]	LUIGI ALBERTINI	
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]
	BEELAERTS VAN BLOKLAND	[L. S.]
	W. DE BEAUFORT	[L. S.]
	ALTE	[L. S.]
	ERNESTINO DE VASCONCELLOS	[L. S.]

(7) A TREATY BETWEEN THE
NINE POWERS RELATING TO
CHINESE CUSTOMS TARIFFS.

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

With a view to increasing the revenues of the Chinese Government, have resolved to conclude a treaty relating to the revision of the Chinese customs tariff and cognate matters, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citizens of the United States;

(7) TRAITÉ ENTRE LES NEUF
POUVOIRS RELATIVEMENT AU
TARIF DES DOUANES CHINOISES.

Les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, la France, l'Italie, le Japon, les Pays-Bas et le Portugal:

Dans le but d'accroître les revenus du Gouvernement chinois, ont convenu de conclure un traité touchant la revision du tarif des douanes chinoises et autres matières connexes, et ont désigné pour leurs plénipotentiaires:

Le Président des Etats-Unis d'Amérique:

Charles Evans Hughes,
Henry Cabot Lodge,
Oscar W. Underwood,
Elihu Root,
citoyens des Etats-Unis;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K. C.,

Sa Majesté le Roi des Belges:

Le Baron de Cartier de Marchienne, Commandeur de l'Ordre de Léopold et de l'Ordre de la Couronne, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington;

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des territoires britanniques au delà des mers, Empereur des Indes:

Le Très-Honorable Arthur James Balfour, O. M., M. P., Lord Président du Conseil du Roi;

Le Très-Honorable Baron Lee of Fareham, G. B. E., K. C. B., Premier Lord de l'Amirauté.

Le Très-Honorable Sir Auckland Campbell Geddes, K. C. B., Son Ambassadeur Extraordinaire et Plénipotentiaire aux Etats-Unis d'Amérique;

et

pour le Dominion du Canada:

Le Très-Honorable Sir Robert Laird Borden, G. C. M. G., K. C.;

pour le Commonwealth d'Australie:

Le Très-Honorable George Foster Pearce, Sénateur, Ministre de l'Intérieur et des Territoires;

pour le Dominion de la Nouvelle-Zélande:

L'Honorable Sir John William Salmond, K. C., Juge

Judge of the Supreme
Court of New Zealand;
for the Union of South Af-
rica :

The Right Honourable
Arthur James Balfour,
O. M., M. P. ;
for India :

The Right Honourable
Valingman Sankarana-
rayana Srinivasa Sas-
tri, Member of the In-
dian Council of State;

The President of the Republic
of China :

Mr. Sao-Ke Alfred Sze,
Envoy Extraordinary
and Minister Plenipo-
tentiary at Washing-
ton ;

Mr. V. K. Wellington
Koo, Envoy Extraor-
dinary and Minister
Plenipotentiary at Lon-
don ;

Mr. Chung-Hui Wang,
former Minister of Jus-
tice ;

The President of the French
Republic :

Mr. Albert Sarraut, Dep-
uty, Minister of the
Colonies ;

Mr. Jules J. Jusserand,
Ambassador Extraor-
dinary and Plenipoten-
tiary to the United
States of America,
Grand Cross of the Na-
tional Order of the Le-
gion of Honour ;

His Majesty the King of
Italy :

The Honourable Carlo
Schanzer, Senator of
the Kingdom ;

à la Cour Suprême de
Nouvelle Zélande ;
pour l'Union Sud-Africaine :

Le Très-Honorable Arthur
James Balfour, O. M.,
M. P. ;

pour l'Inde :

Le Très-Honorable Valing-
man Sankaranarayana Sri-
nivasa Sastri, Membre du
Conseil d'Etat de l'Inde ;

Le Président de la République
Chinoise :

M. Sao-Ke Alfred Sze, En-
voyé Extraordinaire et
Ministre Plénipotentiaire
à Washington ;

M. V. K. Wellington Koo,
Envoyé Extraordinaire et
Ministre Plénipotentiaire
à Londres ;

M. Chung-Hui Wang, ancien
Ministre de la Justice ;

Le Président de la République
Française :

M. Albert Sarraut, Député,
Ministre des Colonies ;

M. Jules J. Jusserand, Am-
bassadeur Extraordinaire
et Plénipotentiaire près
le Président des Etats-
Unis d'Amérique, Grand
Croix de l'Ordre National
de la Légion d'Honneur ;

Sa Majesté le Roi d'Italie :

L'Honorable Carlo Schan-
zer, Sénateur du Roy-
aume ;

<p>The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;</p>	<p>L'Honorable Vittorio Rolandi Ricci, Sénateur du Royaume, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington;</p>
<p>The Honourable Luigi Albertini, Senator of the Kingdom;</p>	<p>L'Honorable Luigi Albertini, Sénateur du Royaume;</p>
<p>His Majesty the Emperor of Japan:</p>	<p>Sa Majesté l'Empereur du Japon:</p>
<p>Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;</p>	<p>Le Baron Tomosaburo Kato, Ministre de la Marine, Junii, Membre de la Première Classe de l'Ordre Impérial du Grand Cordon du Soleil Levant avec la Fleur de Paulonia;</p>
<p>Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington Joshii, a member of the First Class of the Imperial Order of the Rising Sun;</p>	<p>Le Baron Kijuro Shidehara, Son Ambassadeur Extraordinaire et Plénipotentiaire à Washington, Joshii, Membre de la Première Classe de l'Ordre Impérial du Soleil Levant;</p>
<p>Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;</p>	<p>M. Massanao Hanihara, Vice-Ministre des Affaires Etrangères, Jushii, Membre de la Seconde Classe de l'Ordre Impérial du Soleil Levant;</p>
<p>Her Majesty the Queen of The Netherlands:</p>	<p>Sa Majesté la Reine des Pays-Bas:</p>
<p>Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;</p>	<p>Le Jonkheer Frans Beelaerts van Blokland, Son Envoyé Extraordinaire et Ministre Plénipotentiaire;</p>
<p>Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;</p>	<p>Le Jonkheer Willem Hendrik de Beaufort, Ministre Plénipotentiaire Chargé d'Affaires à Washington;</p>

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the City of Washington, a Resolution, which is appended as an Annex to this Article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per centum *ad valorem*, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible but not earlier than two months after publication thereof.

ANNEX.

With a view to providing additional revenue to meet the needs of the Chinese Govern-

Le Président de la République Portugaise:

M. José Francisco de Horta Machado da Franca, Vicomte d'Alte, Envoyé Extraordinaire et Ministre Plénipotentiaire à Washington;

M. Ernesto Julio de Carvalho e Vasconcelos, Capitaine de Vaisseau, Directeur Technique du Ministère des Colonies;

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes:

ARTICLE I.

Les représentants des Puissances Contractantes ayant adopté le 4 février 1922 à Washington la résolution annexée au présent article au sujet de la revision du tarif des douanes chinoises, afin que le taux des droits soit équivalent à 5% effectif *ad valorem*, comme il est prévu dans les traités existant entre la Chine et les autres pays, les Puissances Contractantes déclarent confirmer ladite résolution et s'engagent à accepter les taux résultant de cette revision qui entreront en vigueur aussitôt que possible après l'expiration d'un délai de deux mois après leur publication.

ANNEXE.

En vue de créer des revenus additionnels destinés à faire face aux besoins du Gouvernement

ment, the Powers represented at this Conference, namely the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal agree:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent. effective, as provided for in the several commercial treaties to which China is a party.

A Revision Commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This Commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent. ad valorem and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this Resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible but not earlier than two

chinois, les Puissances représentées à la Conférence, à savoir: les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, la France, l'Italie, le Japon, les Pays-Bas et le Portugal sont convenues de ce qui suit:

Le tarif des droits de douane à importation en Chine adopté le 19 décembre 1918 à Shanghai par la Commission de Revision du Tarif sera immédiatement révisé afin que le taux des droits soit équivalent à 5% effectif ad valorem, comme il est prévu dans divers traités commerciaux auxquels la Chine est partie.

Une Commission de revision se réunira à Shanghai à une date aussi rapprochée que possible pour effectuer cette revision sans retard et suivant les lignes générales de la dernière revision.

Cette Commission se composera de représentants des Puissances précitées et de représentants de toutes autres Puissances désirant siéger dans cette Commission dont le Gouvernement est actuellement reconnu par les Puissances participant à la présente Conférence et dont les traités avec la Chine comportent un tarif d'importation et d'exportation ne devant pas dépasser 5% ad valorem.

La revision se fera aussi rapidement que possible de manière à être terminée dans les quatre mois qui suivront la date de l'adoption de la dite résolution par la Conférence de Washington.

Le tarif révisé entrera en vigueur aussitôt que possible après l'expiration d'un délai de deux mois consécutifs à la publication

months after its publication by the Revision Commission.

The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this Resolution to the Governments of Powers not represented at this Conference but who participated in the Revision of 1918, aforesaid.

ARTICLE II.

Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5th, 1902, between Great Britain and China, in Articles IV and V of the Treaty of October 8th, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 8th, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

The Special Conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate and may adhere to the present Treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

dudit tarif par la Commission de Revision.

Le Gouvernement des Etats-Unis qui a convoqué la présente Conférence est invité en cette qualité à communiquer immédiatement les termes de la présente résolution aux Gouvernements des Puissances qui, quoique non représentées à la dite Conférence, ont participé à la revision du tarif de 1918.

ARTICLE II.

Une Conférence spéciale sera chargée de prendre immédiatement les mesures nécessaires en vue de préparer l'abolition, dans le plus bref délai, des likins, ainsi que la réalisation des autres conditions mises par l'article VIII du traité entre la Grande-Bretagne et la Chine du 5 septembre 1902 et par les articles IV et V du traité du 8 octobre 1903 entre les Etats-Unis et la Chine et par l'article I du traité supplémentaire du 8 octobre 1903 entre le Japon et la Chine, à la perception des surtaxes prévues auxdits articles.

La Conférence spéciale sera composée de représentants tant des Puissances signataires que de celles qui, désirant participer aux travaux de cette Conférence, adhèreraient au présent Traité conformément aux dispositions de l'article VIII en temps utile pour que leurs représentants soient en mesure de prendre part à ces travaux. Elle se réunira en Chine dans les trois mois après l'entrée en vigueur du présent Traité, au lieu et à la date qui seront fixés par le Gouvernement chinois.

ARTICLE III.

The Special Conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of $2\frac{1}{2}$ per centum *ad valorem*, provided, that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per centum *ad valorem*.

ARTICLE IV.

Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the *ad valorem* rates fixed by the Special Conference provided for in Article II.

Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every

ARTICLE III.

La Conférence spéciale prévue à l'article II étudiera les dispositions provisoires à appliquer jusqu'à l'abolition des likins et la réalisation des autres conditions stipulées aux articles des traités mentionnés à l'article II; elle autorisera la perception d'une surtaxe sur les importations soumises aux droits. La Conférence décidera à partir de quelle date, pour quelles destinations et dans quelles conditions cette surtaxe sera perçue.

La surtaxe sera fixée à un taux uniforme de $2\frac{1}{2}\%$ *ad valorem*, sauf pour certains articles de luxe susceptibles, d'après la Conférence spéciale, de supporter sans que cela constitue une entrave sérieuse au commerce une augmentation plus élevée. Dans ce dernier cas, la surtaxe pourra être plus élevée sans dépasser toute fois 5% *ad valorem*.

ARTICLE IV.

La révision immédiate du tarif des droits de douane à l'importation en Chine, prévue à l'article I sera suivie d'une nouvelle revision qui portera effet à l'expiration d'une période de 4 années à partir de l'achèvement de la revision immédiate prévue ci-dessus, de façon à assurer que les droits de douane correspondront effectivement aux taux *ad valorem* fixé par la Conférence spéciale prévue à l'article II.

Après cette nouvelle revision et dans le même but défini ci-dessus, des revisions périodiques du tarif des droits de douane à l'importation en Chine auront lieu tous les

seven years, in lieu of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the Special Conference provided for in Article II.

ARTICLE V.

In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the Contracting Powers.

ARTICLE VI.

The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The Special Conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China.

ARTICLE VII.

The charge for transit passes shall be at the rate of 2½ per centum *ad valorem* until the

sept ans. Ces revisions remplaceront les révisions décennales prévues par les traités actuels avec la Chine.

En vue d'éviter des retards, les révisions prévues au présent article seront effectuées selon des règles à déterminer par la Conférence spéciale de l'article II.

ARTICLE V.

Pour toutes questions relatives aux droits de douane, il y aura égalité absolue de traitement et de chances pour toutes les Puissances Contractantes.

ARTICLE VI.

Le principe de l'uniformité des droits de douane perçus sur toutes les frontières terrestres ou maritimes de la Chine est reconnu. La Conférence spéciale prévue à l'article II sera chargée d'arrêter les dispositions nécessaires à la mise en application de ce principe. Elle aura le pouvoir d'autoriser tels ajustements qui paraîtraient équitables dans les cas où le droit préférentiel à abolir avait été consenti comme contrepartie de quelque avantage économique se référant à des considérations locales.

Dans l'intervalle tous relèvements du taux des droits de douane ou surtaxes imposées à l'avenir en application du présent traité, seront perçus à un taux uniforme *ad valorem* sur toutes frontières terrestres ou maritimes de la Chine.

ARTICLE VII.

Jusqu'au moment où les mesures visées à l'article II seront entrées en vigueur, le taux des

arrangements provided for by Article II come into force.

ARTICLE VIII.

Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum *ad valorem*, shall be invited to adhere to the present Treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

ARTICLE X.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers

permis de transit sera fixé à 2½% *ad valorem*.

ARTICLE VIII.

Les Puissances non signataires au présent Traité, dont le Gouvernement est actuellement reconnu par les Puissances signataires et dont les traités actuels avec la Chine prévoient un tarif à l'importation et à l'exportation ne dépassant pas 5% *ad valorem*, seront invités à adhérer au dit traité.

Le Gouvernement des Etats-Unis s'engage à faire les communications nécessaires à cet effet et à informer les Gouvernements des Puissances Contractantes des réponses reçues. L'adhésion des Puissances deviendra effective dès réception des notifications par le Gouvernement des Etats-Unis.

ARTICLE IX.

Les dispositions du présent traité prévaudront sur toutes stipulations contraires des traités entre la Chine et les Puissances Contractantes, à l'exception des stipulations comportant le bénéfice du traitement de la nation la plus favorisée.

ARTICLE X.

Le présent traité sera ratifié par les Puissances Contractantes selon les procédures constitutionnelles auxquelles elles sont respectivement tenues. Il prendra effet à la date du dépôt de toutes les ratifications, dépôt qui sera effectué à Washington le plus tôt qu'il sera possible. Le Gouvernement des Etats-Unis remettra aux autres Puissances Contractantes

a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the sixth day of February, One Thousand Nine Hundred and Twenty-two.

une copie authentique du procès-verbal de dépôt des ratifications.

Le présent traité, dont les textes français et anglais feront foi, restera déposé dans les archives du Gouvernement des Etats-Unis; des expéditions authentiques en seront remises par ce Gouvernement aux autres Puissances Contractantes.

En foi de quoi les Plénipotentiaires sus-nommés ont signé le présent Traité.

Fait à Washington le six février mil neuf cent vingt-deux.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W. UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	BARON DE CARTER DE MARCHIENNE	[L. S.]
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM	
[L. S.]	A. C. GEDDES	
[L. S.]	R. L. BORDEN	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W. SALMOND	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	V. S. SRINIVASA SASTRI	
	SAO-KE ALFRED. SZE	[L. S.]
	V. K. WELLINGTON KOO	[L. S.]
	CHUNG-HUI WANG	[L. S.]
	A. SARRAUT	[L. S.]
	JUSSERAND	[L. S.]
	CARLO SCHANZER	[L. S.]
	V. ROLANDI RICCI	[L. S.]
	LUIGI ALBERTINI	[L. S.]
[L. S.]	T. KATO	
[L. S.]	K. SHIDEHARA	
[L. S.]	M. HANIHARA	
[L. S.]	BEELAERTS VAN BLOKLAND	
[L. S.]	W. DE BEAUFORT	
[L. S.]	ALTE	
[L. S.]	ERNESTO DE VASCONCELLOS	

RESOLUTIONS.

NO. 1. RESOLUTION FOR A COMMISSION OF JURISTS TO CONSIDER AMENDMENT OF LAWS OF WAR.

The United States of America, the British Empire, France, Italy and Japan have agreed:—

I. That a Commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:—

- (a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?
- (b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

II. That notices of appointment of the members of the Commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.

RÉSOLUTIONS.

NO. 1. RÉOLUTION ÉTABLISSANT UNE COMMISSION DE JURISTES POUR ÉTUDIER LES MODIFICATIONS À APPORTER AUX LOIS DE LA GUERRE.

Les Etats-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon, ont décidé que:

I. Une Commission, composée au plus de deux membres représentant chacune des Puissances précitées, sera instituée pour étudier les questions suivantes:

- (a) Les lois actuelles du droit international régissent-elles d'une façon adéquate les nouvelles méthodes d'attaque ou de défense résultant de l'introduction ou du développement de nouveaux engins de guerre, depuis la Conférence de la Paix de 1907?
- (b) Dans le cas contraire, quels changements aux lois actuelles doivent être adoptés en conséquence, comme une partie du droit des gens?

II. Les notifications de nomination des membres de la Commission seront transmises, dans les trois mois qui suivront l'ajournement de la présente Conférence, au Gouvernement des Etats-Unis d'Amérique qui, après Consultation avec les Puissances intéressées, fixera le lieu et la date de la réunion de la Commission.

III. That the Commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval and aerial warfare.

IV. That the Commission shall report its conclusions to each of the Powers represented in its membership.

Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.

Adopted by the Conference on the Limitation of Armament, at the Sixth Plenary Session, February 4th, 1922.

NO. 2. RESOLUTION LIMITING JURISDICTION OF COMMISSION OF JURISTS PROVIDED IN RESOLUTION NO. 1.

Resolved, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this conference.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4th, 1922.

III. La Commission sera libre de demander aide et conseil aux experts en droit international et en guerre terrestre, naval et aérienne.

IV. La Commission adressera un rapport de ses décisions à chacune des Puissances qui en sont membres.

Ces Puissances se concerteront ensuite sur l'acceptation du rapport et sur la méthode à suivre pour assurer l'étude de ses recommandations par les autres Puissances civilisées.

Adoptée par la Conférence de la Limitation des Armements à la sixième séance plénière, le 4 février 1922.

NO. 2. RÉOLUTION LIMITANT LA JURISDICTION DE LA COMMISSION DE JURISTES COMPRISE DANS LA RÉOLUTION NO. 1.

Il est décidé qu'en convenant de nommer une Commission chargée d'examiner et de faire rapport sur les lois internationales de la guerre applicables aux nouveaux procédés de guerre, les Puissances n'ont pas eu l'intention de charger cette Commission de soumettre à son examen et de faire rapport sur les règles ou déclarations visant les sous-marins ou l'emploi des gaz et produits chimiques, telles qu'elles ont déjà été adoptées par lesdites Puissances au cours de la présente Conférence.

Adoptée par la Conférence de la Limitation des Armements à la sixième séance plénière, le 4 février 1922.

**NO. 3. RESOLUTION REGARDING
THE SALE OF SHIPS BEFORE
THE RATIFICATION OF THE
TREATY LIMITING NAVAL AR-
MAMENT.**

It should therefore be recorded in the minutes of the Subcommittee and of the full conference that the Powers signatory of the Treaty of Naval Limitation regard themselves in honor bound not to sell any ships between the present date and the ratification of the Treaty, when such sale would be a breach of Article XVIII.

Adopted by the Conference on Limitation of Armament at the Sixth Plenary Session, February 4, 1922.

**NO. 4. RESOLUTION REGARDING
A BOARD OF REFERENCE FOR
FAR EASTERN QUESTION.**

The representatives of the Powers assembled at the present Conference at Washington, to-wit;

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the Treaty to be signed at Washington on February 6th, 1922, with reference to their general policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote inter-

**NO. 3. RÉSOLUTION CONCERNANT
LA VENTE DE NAVIRES AVANT
LA RATIFICATION DU TRAITÉ
LIMITANT LES ARMEMENTS
NAVALS.**

Il faut donc consigner dans le compte rendu de la Sous-Commission et dans le procès-verbal de la Conférence Plénière, la déclaration que les Puissances Signataires du Traité de Limitation Navale se considèrent engagées sur l'honneur à ne pas vendre de navires dans la période qui s'écoulera entre la présente date et celle de la ratification du Traité, durant laquelle une telle vente serait une infraction à l'article XVIII.

Adoptée par la Conférence de la Limitation des Armements à la sixième séance plénière, le 4 février 1922.

**NO. 4. RÉSOLUTION ÉTABLISSANT
UN COMITÉ CONSULTATIF POUR
LES QUESTIONS D'EXTRÊME
ORIENT.**

Les représentants des Puissances assemblés à la Conférence de Washington, à savoir: Les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, la France, l'Italie, le Japon, les Pays-Bas et le Portugal:

Désireux d'instituer une procédure pour traiter des questions soulevées par l'exécution des dispositions des articles III et V du Traité qui doit être signé à Washington, le 6 février 1922, sur la politique générale de ces Puissances touchant la stabilisation des conditions de l'Extrême Orient, la sauvegarde des droits et intérêts de la Chine et le développement des relations entre cette dernière

course between China and the other Powers upon the basis of equality of opportunity;

Resolve that there shall be established in China a Board of Reference to which any questions arising in connection with the execution of the aforesaid Articles may be referred for investigation and report.

The Special Conference provided for in Article II of the Treaty to be signed at Washington on February 6th, 1922, with reference to the Chinese Customs Tariff, shall formulate for the approval of the Powers concerned a detailed plan for the constitution of the Board.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session February 4th, 1922.

**NO. 5. RESOLUTION REGARDING
EXTRATERRITORIALITY
IN CHINA.**

The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal,—

Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China dated October 8, 1903, and in the Treaty between Japan and China dated October 8, 1903, these several Powers have agreed to give every

et les autres Puissances sur la base de l'égalité des chances;

Conviennt qu'il sera créé en Chine un Comité Consultatif auquel pourront être renvoyées, à fins d'enquête et de rapport, toutes questions touchant l'exécution des articles précités.

La Conférence spéciale prévue à l'article II du Traité qui doit être signé le 6 février 1922 sur le tarif des douanes chinoises, sera chargée de présenter à l'approbation des Puissances intéressées un projet détaillé d'organisation dudit Comité Consultatif.

Adoptée par la Conférence de la Limitation des Armements à la sixième séance plénière, le 4 février 1922.

NO. 5. RÉSOLUTIONS CONCERNANT L'EXTRATERRITORIALITÉ EN CHINE.

Les représentants des Puissances ci-après mentionnées, qui prennent part à la discussion des questions du Pacifique et de l'Extrême Orient à la Conférence de la Limitation des Armements, à savoir: les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la France, l'Italie, le Japon, les Pays-Bas et le Portugal:

Considérant que par le Traité entre la Grande-Bretagne et la Chine en date du 5 septembre 1902, par le Traité entre les Etats-Unis et la Chine en date du 8 octobre 1903, et par le Traité entre le Japon et la Chine de la même date, ces diverses Puissances se sont engagées à accorder toute assistance au Gouvernement chinois pour

assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of Western nations, and have declared that they are also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant" them in so doing;

Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese delegation gave expression on November 16, 1921, to the effect that "immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional and administrative freedom of action are to be removed";

Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

Have resolved

That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administra-

tion qu'il puisse réaliser le désir par lui exprimé de réformer son organisation judiciaire et de la mettre en harmonie avec celle des nations occidentales, et que les Puissances se sont déclarées également "prêtes à renoncer à leurs droits d'extraterritorialité aussitôt qu'elles seront convaincues que l'état de la législation chinoise, les mesures d'application administrative et autres considérations leur permettent de le faire";

Disposées dans un esprit de sympathie à satisfaire à cet égard les aspirations exprimées, le 16 novembre 1921, par la Délégation chinoise à l'effet que "immédiatement ou dès que les circonstances le permettront, les restrictions actuellement apportées à la liberté d'action de la Chine en matière politique, juridictionnelle et administrative seront supprimées";

Estimant que toute décision à prendre au sujet des mesures qui seraient de nature à atteindre ce but doit dépendre de la vérification et de l'appréciation d'un état de faits complexes, en ce qui concerne la législation, l'organisation et les méthodes d'administration judiciaire en Chine, que la Conférence n'est pas en mesure de déterminer;

Ont décidé ce qui suit:

Les Gouvernements des Puissances précitées institueront une Commission (pour laquelle chaque Puissance désignera un représentant) pour ouvrir une enquête sur les pratiques actuelles de juridiction extraterritoriale en Chine, sur la législation, l'organisation judiciaire et les méthodes d'administration judiciaire en Chine, en vue

tion of China, with a view to reporting to the Governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission;

That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

de signaler aux Gouvernements des diverses Puissances précitées leurs constatations de fait en ces matières, et de leur recommander les moyens que la Commission pourrait juger convenables pour améliorer les conditions actuelles de l'administration de la justice en Chine, pour aider et encourager les efforts par le Gouvernement chinois en vue d'introduire des mesures législatives et des réformes judiciaires qui justifieraient l'abandon, soit progressif, soit sous toute autre forme, par les diverses Puissances, de leurs droits respectifs d'extraterritorialité;

La Commission dont il s'agit devra être constituée dans les trois mois qui suivront la clôture de la Conférence, en conformité avec les arrangements de détail à être ultérieurement arrêtés d'accord entre les Gouvernements des Puissances précitées, et elle recevra pour instruction d'avoir à déposer son rapport et ses recommandations dans l'année qui suivra la première séance de la Commission;

Chacune des Puissances précitées sera considérée comme libre d'accepter ou de rejeter tout ou partie des conclusions de la Commission envisagée, mais dans aucun cas une quelconque desdites Puissances ne pourra faire dépendre son acceptation de tout ou partie de ces conclusions, soit directement, soit indirectement, de l'octroi par la Chine de concessions spéciales, traitement de faveur, privilèges ou immunités quelconques, dans l'ordre politique ou économique.

ADDITIONAL RESOLUTION.

That the non-signatory Powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the signatory Powers.

ADDITIONAL RESOLUTION.

That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks.

RÉSOLUTION SUPPLÉMENTAIRE.

Les Puissances non-signataires ayant, par traité, des droits d'extraterritorialité en Chine pourront accéder à la Résolution concernant le régime d'extraterritorialité et l'administration de la justice en Chine, en notifiant par écrit au Gouvernement des Etats-Unis leur accession dans un délai de trois mois à dater de la clôture de cette Conférence. Il appartiendra au Gouvernement des Etats-Unis d'Amérique de communiquer cette accession à chacune des Puissances signataires.

RÉSOLUTION SUPPLÉMENTAIRE.

La Chine, ayant pris note des Résolutions en vue de la création d'une Commission chargée de procéder à une enquête et de présenter un rapport sur le régime d'extraterritorialité et l'administration de la justice en Chine, exprime sa satisfaction des dispositions sympathiques des Puissances intéressées touchant le désir du Gouvernement chinois d'obtenir l'abolition des droits d'extraterritorialité en Chine, déclare son intention de nommer un représentant qui aura le droit de siéger en qualité de membre de la Commission, étant entendu que la Chine sera libre d'accepter ou de rejeter, tout ou partie des recommandations de ladite Commission. La Chine est prête en outre, à coopérer aux travaux de cette Commission et à faciliter, par tous les moyens possibles, le succès de sa tâche.

Adopted by the Conference on the Limitation of Armament at the Fourth Plenary Session, December 10, 1921.

NO. 6. RESOLUTION REGARDING FOREIGN POSTAL AGENCIES IN CHINA.

A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

(1) The four Powers having such postal agencies agree to their abandonment subject to the following conditions:

(a) That an efficient Chinese postal service is maintained;

(b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign Co-Director General is concerned.

(2) To enable China and the Powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than January 1, 1923.

B. Pending the complete withdrawal of foreign postal agencies, the four Powers con-

Adoptée par la Conférence de al Limitation des Armements, à la quatrième séance plénière, le 10 décembre 1921.

NO. 6. RÉOLUTION CONCERNANT LES BUREAUX DE POSTE ÉTRANGERS EN CHINE.

A. Reconnaissant la légitimité du désir exprimé par le Gouvernement chinois de voir supprimer les bureaux de poste étrangers en Chine, exception faite pour les bureaux des territoires à bail ou pour ceux qui auraient fait l'objet de dispositions expresses de traités, il est décidé que:

(1) Les quatre Puissances possédant des bureaux de poste de cet ordre donneront leur assentiment à leur suppression à condition:

(a) que le service des postes chinois continue à fonctionner d'une manière satisfaisante;

(b) que l'assurance soit donnée par le Gouvernement chinois qu'il n'envisage aucun changement dans l'administration postale actuelle ni dans la situation du codirecteur général étranger.

(2) En vue de permettre à la Chine et aux Puissances intéressées de prendre les dispositions nécessaires, le présent arrangement entrera en vigueur et portera effet au plus tard le 1^{er} janvier 1923.

B. En attendant la suppression complète des bureaux de poste étrangers, les quatre Puissances

cerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matter (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China.

Adopted by the Conference of the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

**NO. 7. RESOLUTION REGARDING
ARMED FORCES IN CHINA.**

Whereas

The Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China;

And whereas

It appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

And whereas

The Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure

intéressées s'engagent, chacune en ce qui la concerne, à donner toutes facilités aux autorités des douanes chinoises pour examiner dans ces bureaux, tous les envois postaux qui y passeront (exception faite pour les lettres ordinaires recommandées ou non, dont l'examen extérieur fera clairement apparaître qu'elles ne renferment que des documents écrits), afin de s'assurer qu'ils ne contiennent pas des articles soumis soit aux droits de douane, soit constituant de la contrebande, soit contrevenant de quelque autre manière aux règlements douaniers ou aux lois de la Chine.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière, le 1^{er} février 1922.

**NO. 7. RÉSOLUTION CONCERNANT
LES FORCES ARMÉES ÉTRAN-
GÈRES EN CHINE.**

Attendu:

Que les Puissances ont, à certaines époques, maintenu en Chine des forces armées y compris des forces de police et des gardes de voies ferrées pour la protection de la vie et des biens des étrangers y résidant en vertu des traités,

Attendu qu'il apparaît que certaines de ces forces armées sont maintenues en Chine sans autorisation à ces fins résultant de traités ou accords,

Attendu que les Puissances ont déclaré leur intention de retirer leurs forces armées actuellement maintenues en Chine sans autorisation à ces fins résultant des traités ou accords, dès que la Chine aura

the protection of the lives and property of foreigners in China; And whereas

China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China; Now

To the end that there may be clear understanding of the conditions upon which in each case the practical execution of those intentions must depend; It is resolved:

That the Diplomatic Representatives in Peking of the Powers now in Conference at Washington, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, The Netherlands and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make or join

assuré la protection de la vie et des biens des étrangers,

Attendu que la Chine a déclaré avoir l'intention et être en mesure d'assurer la protection de la vie et des biens desdits étrangers en Chine,

Et afin qu'il y ait un accord explicite quant aux conditions desquelles doit dépendre en chaque cas l'exécution pratique desdites intentions,

Il est décidé:

Que les Représentants diplomatiques à Pékin des Puissances représentées à la Conférence de Washington, c'est-à-dire, les Etats-Unis, la Belgique, l'Empire Britannique, la France, l'Italie, le Japon, les Pays-Bas et le Portugal, seront chargés par leurs Gouvernements respectifs, dès que la Chine en fera la demande, de s'associer avec trois représentants du Gouvernement chinois pour mener conjointement avec eux une enquête complète et impartiale quant aux problèmes soulevés par les déclarations d'intentions ci-dessus manifestées par les Puissances et la Chine; ils prépareront un rapport complet et détaillé exposant sans réserves leurs constatations de fait et leurs opinions touchant les questions soumises par la Conférence à leur enquête; ils adresseront un exemplaire de leur rapport à chacun des neuf Gouvernements intéressés, lesquels publieront en commun ledit rapport avec telles observations que chacun d'entre eux trouvera appropriées. Les représentants de chacune desdites Puissances pourront faire soit isolément, soit à plusieurs

in minority reports stating their differences, if any, from the majority report.

That each of the Powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report but that in no case shall any of the said Powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

**NO. 8. RESOLUTION REGARDING
RADIO STATIONS IN CHINA
AND ACCOMPANYING DECLARATIONS.**

The representatives of the Powers hereinafter named participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament—to wit: The United States of America, Belgium, The British Empire, China, France, Italy, Japan, The Netherlands and Portugal,

Have resolved

1. That all radio stations in China whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to send-

des rapports de minorité déclarant leurs divergences de vues, s'il s'en produit, quant au rapport de la majorité.

Que chacune des Puissances précitées sera libre d'accepter ou de rejeter tout ou partie des constatations de fait ou opinions exprimées dans le rapport; toutefois aucune desdites Puissances ne pourra, en aucun cas, faire dépendre soit directement, soit indirectement son acceptation de tout ou partie desdites constatations de fait ou opinions, de l'octroi par la Chine d'une concession, faveur, bénéfice ou immunité quelconque soit d'ordre politique, soit d'ordre économique.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière, le 1^{er} février 1922.

**NO. 8. RÉSOLUTION CONCERNANT
LES STATIONS RADIOTÉLÉGRAPHIQUES EN CHINE AVEC L'ADJONCTION DE DÉCLARATIONS.**

Les représentants des Puissances énumérées ci-après prenant part à la discussion des questions du Pacifique et de l'Extrême Orient dans la Conférence de la Limitation des Armements, à savoir: les Etats-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, la France, l'Italie, le Japon, les Pays-Bas et le Portugal,

Ont décidé que:

1. Toutes les stations radiotélégraphiques en Chine, soit établies en vertu des stipulations du Protocole International du 7 septembre 1901, soit établies en fait sur les terrains des Légations étrangères en Chine, ne devront être utilisées que pour la réception et l'expédition des messages

ing and receiving government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: Provided, however, that in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese Ministry of Communications, such stations may afford temporary facilities for commercial, personal or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption;

2. All radio stations operated within the territory of China by a foreign government or the citizens or subjects thereof under treaties or concessions of the Government of China, shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained;

3. In case there be any radio station maintained in the territory of China by a foreign government or citizens or subjects thereof without the authority of the Chinese Government, such station and all the plant, apparatus and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese Ministry of Communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to

d'Etat. Elles ne devront ni recevoir ni expédier des messages commerciaux, personnels ou non officiels, y compris le trafic de presse. Toutefois, au cas où tous autres moyens de communications télégraphiques seraient interrompés et sur notification officielle, accompagnée de preuves de cette interruption de service, faite au Ministère chinois des Communications, ces stations pourront être employées provisoirement à l'expédition et à la réception de messages commerciaux, personnels ou non officiels, y compris le trafic de presse, jusqu'à ce que le Gouvernement chinois ait donné avis de la fin de l'interruption.

2. Toutes les stations radio-télégraphiques exploitées sur le territoire de la Chine par un Gouvernement étranger ou ses ressortissants, en vertu de traités ou de concessions du Gouvernement chinois, devront limiter l'expédition et la réception des messages aux conditions des traités et concessions en vertu desquelles ces stations sont établies.

3. Au cas où des stations radio-télégraphiques seraient entretenues sur le territoire de la Chine par un Gouvernement étranger ou ses ressortissants sans la sanction du Gouvernement chinois, ces stations, ainsi que toute l'installation, les appareils et le matériel, seront transférés au Gouvernement chinois pour être exploitées par lui sous la direction du Ministère chinois de Communications, après que les propriétaires auront été dûment et équitablement indemnisés de la valeur de l'installation et dès que le Ministère chinois des Communications sera prêt à ex-

operate the same effectively for the general public benefit ;

4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway Zone or in the French Concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Governments concerned.

5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention signed at London, July 5, 1912.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

DECLARATION CONCERNING THE
RESOLUTION ON RADIO STATIONS
IN CHINA OF DECEMBER 7, 1921.

The Powers other than China declare that nothing in paragraphs 3 or 4 of the Resolutions of 7th December, 1921, is to be deemed to be an expression of

exploiter ces stations effectivement dans l'intérêt public général.

4. Si des questions sont soulevées en ce qui concerne les stations radiotélégraphiques situées sur les territoires cédés à bail, dans la zone du chemin de fer de la Mandchourie du sud ou dans la concession française de Shanghai, elles seront considérées comme matière à débattre entre le Gouvernement chinois et le gouvernement intéressé.

5. Les propriétaires ou directeurs de toutes les stations radiotélégraphiques entretenues sur le territoire de la Chine par des Puissances étrangères ou par leurs ressortissants devront conférer avec le Ministère chinois des Communications, dans le but de rechercher un arrangement en commun quant aux mesures à prendre pour éviter les interférences dans l'emploi des longueurs d'onde par les stations radiotélégraphiques en Chine, sous réserve de tous arrangements généraux qui pourraient être pris par une Conférence internationale réunie pour la révision des règlements de la Convention Radiotélégraphique Internationale signée à Londres le 5 juillet 1912.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière, le 1^{er} février 1922.

DÉCLARATION CONCERNANT LA
RÉSOLUTION RELATIVE AUX STA-
TIONS RADIOTÉLÉGRAPHIQUES
EN CHINE.

Les Puissances autres que la Chine déclarent que les paragraphes 3 et 4 de la Résolution du 7 décembre 1921, ne doivent être considérés comme constituant

opinion by the Conference as to whether the stations referred to therein are or are not authorized by China.

They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the Open Door or equality of opportunity approved by the Conference.

CHINESE DECLARATION CONCERNING RESOLUTION OF DECEMBER 7TH REGARDING RADIO STATIONS IN CHINA.

The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power or of the nationals thereof to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas or other similar areas.

NO. 9. RESOLUTION REGARDING UNIFICATION OF RAILWAYS IN CHINA AND ACCOMPANYING DECLARATION BY CHINA.

The Powers represented in this Conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chi-

de la part de la Conférence l'expression d'une opinion quant à la question de savoir si les stations qui y sont visées sont ou non autorisées par la Chine.

Elles déclarent, en outre, que les résultats de toute discussion ayant trait à l'application du paragraphe 4, doivent pour ne pas être sujettes à des objections de la part de ces mêmes Puissances, être en harmonie avec les principes de la porte ouverte ou de la chance égale, tels qu'ils ont été approuvés par la Conférence.

DÉCLARATION DE LA DÉLÉGATION CHINOISE CONCERNANT LES STATIONS RADIOTÉLÉGRAPHIQUES EN CHINE.

La Délégation chinoise saisit cette occasion pour déclarer formellement que le Gouvernement chinois ne reconnaît ni n'accorde le droit à aucune Puissance étrangère ou aux ressortissants d'aucune Puissance étrangère, d'installer ou d'exploiter, sans son consentement exprès, des stations radiotélégraphiques dans les terrains des légations, dans les colonies étrangères, sur les concessions, sur les territoires cédés à bail, dans les zones de chemins de fer ou autres zones similaires.

NO. 9. RÉOLUTION CONCERNANT L'UNIFICATION DES CHEMINS DE FER EN CHINE AVEC L'ADJONCTION D'UNE DÉCLARATION DE LA CHINE.

Les Puissances représentées à la présente Conférence expriment l'espoir que, dans toute la mesure compatible avec le respect des droits légitimement acquis, le développement à venir des chemins de fer en Chine soit effectué

nese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical assistance as may prove necessary in the interests of that system.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

STATEMENT REGARDING CHINESE RAILWAYS MADE ON JANUARY 19, 1922, BY THE CHINESE DELEGATION.

The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing and future railways in accordance with a general programme that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the Open Door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all

de manière à permettre au Gouvernement chinois de réaliser l'unification des chemins de fer par la voie d'un système national des chemins de fer sous l'administration et le contrôle de la Chine, avec telle assistance financière ou technique étrangère qui serait nécessaire dans l'intérêt de son bon fonctionnement

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière, le 1^{er} février 1922.

DÉCLARATION DE LA DÉLÉGATION CHINOISE CONCERNANT LES CHEMINS DE FER CHINOIS.

La Délégation chinoise accueille avec sympathie le vœu exprimé par les Puissances, à l'effet que les chemins de fer actuels et futurs de la Chine soient réunis sous la direction et l'exploitation du Gouvernement chinois, avec l'assistance étrangère, soit financière-soit technique, qui peut être reconnue nécessaire. C'est notre intention d'obtenir ce résultat aussi rapidement que possible. C'est notre dessein de développer les chemins de fer actuels et futurs selon un programme général qui répondra aux besoins économiques, industriels et commerciaux de la Chine. Ce sera notre politique d'obtenir des Puissances l'assistance étrangère, soit financière, soit technique, nécessaire, en conformité avec les principes de la porte ouverte et de l'opportunité égale; et le Gouvernement chinois demandera aux Puissances de lui prêter leur aide amicale dans son effort pour faire passer tous les chemins de fer actuels et futurs de

the railways of China, now existing or to be built, under its effective and unified control and operation.

**NO. 10. RESOLUTION REGARDING
THE REDUCTION OF CHINESE
MILITARY FORCES.**

Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination,

And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which

la Chine sous sa direction et son exploitation effectives et unifiées.

**NO. 10. RÉOLUTION CONCERNANT
LA RÉDUCTION DES FORCES
MILITAIRES CHINOISES.**

Attendu que les Puissances participant à la présente Conférence ont été profondément impressionnées par la constatation que les revenus publics de la Chine sont épuisés au fur et à mesure par l'entretien en différentes parties de ce pays de forces militaires trop nombreuses et qui sont sans coordination entre les mains des chefs militaires des Provinces;

Attendu que le maintien de ces forces sous les armes semble être la source principale de l'instabilité politique actuelle de la Chine;

Attendu qu'elles estiment qu'une large et prompte réduction de ces forces militaires, non seulement fera progresser la cause de l'unité politique et du développement économique de la Chine, mais encore accélérera sa restauration financière;

Sans aucune intention d'intervenir dans les affaires intérieures de la Chine, mais dans le désir sincère de voir la Chine développer et maintenir pour elle-même un Gouvernement stable et effectif, aussi bien dans son propre intérêt que dans l'intérêt général du commerce;

S'inspirant de l'esprit de la Conférence qui vise à réduire, au moyen de la limitation des armements, les énormes dépenses qui manifestement constituent le plus

manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity;

It is resolved: That this Conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

NO. 11. RESOLUTION REGARDING EXISTING COMMITMENTS OF CHINA OR WITH RESPECT TO CHINA.

The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the docu-

grand obstacle aux entreprises et à la prospérité nationale;

Il est décidé: Que la Conférence exprime à la Chine son vif désir de voir prendre par le Gouvernement chinois des mesures effectives pour réduire lesdites forces militaires et par là même les dépenses qui en résultent.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière, le 1^{er} février 1922.

NO. 11. RÉOLUTION CONCERNANT LES ENGAGEMENTS EXISTANT DE LA CHINE OU AU SUJET DE LA CHINE.

Les Puissances représentées à la présente Conférence, considérant qu'il est désirable de donner dorénavant publicité entière à toutes questions affectant les obligations politiques ainsi qu'à tous engagements internationaux contractés par la Chine ou par les différentes Puissances avec la Chine, ont décidé ce qui suit:

I. Les différentes Puissances autres que la Chine, déposeront le plus tôt possible, au Secrétariat Général de la Conférence, pour être transmise aux Puissances participantes, une liste de tous traités, conventions, échanges de notes ou autres accords internationaux qu'elles peuvent avoir avec la Chine ou avec une ou plusieurs autres Puissances au sujet de la Chine, et qu'elles considèrent comme étant encore en vigueur ou sur lesquelles pourraient désirer s'appuyer. Dans chaque cas, il sera donné l'indication des ouvrages officiels ou autres dans lesquels se trouverait un texte

ments may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience for transmission to the participating Powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed,

autorisé de ces documents. Dans les cas où le document n'aurait pas été publié, une copie (dans sa ou ses langues originales) sera déposée au Secrétariat Général de la Conférence.

Tout traité ou arrangement international ayant le caractère ci-dessus visé, conclu par la suite, sera porté par les gouvernements intéressés, dans les soixante (60) jours qui suivront la date de son entrée en vigueur, à la connaissance des Puissances qui auront signé le présent accord ou qui y auront adhéré.

II. Les diverses Puissances autres que la Chine, déposeront, aussitôt que faire se pourra, au Secrétariat Général de la Conférence, une liste aussi complète que possible, pour être transmise aux Puissances participantes, de tous les contrats existants entre leurs ressortissants d'une part, et le Gouvernement chinois ou l'une de ses subdivisions administratives ou autorités locales d'autre part, lorsqu'ils entraînent une concession, franchise, option ou préférence quelconque touchant la construction de chemins de fer, l'exploitation des mines et des forêts, la navigation, l'aménagement des voies d'eau, les travaux maritimes, la récupération des terrains, les communications électriques et autres travaux publics ou services publics, ou la vente d'armes et munitions, ou qui impliquent une emprise sur n'importe quel des revenus ou biens publics du Gouvernement chinois ou des diverses Provinces. Pour chaque document visé dans la liste fournie, il

either a citation to a published text, or a copy of the text itself.

Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power whether party to this agreement or not, so far as the information is in its possession.

IV. The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

The United States Government, as convenor of the Conference, undertakes to communicate this agreement to the Governments of the said Powers, with a view to obtaining their adherence thereto as soon as possible.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

devra y avoir une référence à un texte déjà publié, soit une copie conforme.

Tout contrat ayant le caractère public ci-dessus visé, conclu par la suite, sera communiqué par chaque Gouvernement intéressé dans les soixante (60) jours qui suivront la date où il aura eu connaissance de son entrée en vigueur, aux Puissances qui auront signé le présent accord ou qui y auront adhéré.

III. Le Gouvernement chinois s'engage à notifier, dans les conditions prescrites au présent accord et en tant qu'il sera en possession de ces renseignements, tout traité, accord ou contrat de la nature ci-dessus décrite, déjà conclu ou qui serait conclu à l'avenir soit par lui-même soit par des autorités locales chinoises, avec une Puissance étrangère ou ses ressortissants, qu'elle soit ou non partie au présent accord.

IV. Les Gouvernements des Puissances ayant des relations par traités avec la Chine, qui ne sont pas représentés à la présente Conférence, seront invités à adhérer au présent accord.

Le Gouvernement des Etats-Unis, en tant qu'il a pris l'initiative de la présente Conférence, sera chargé de communiquer aux gouvernements des dites Puissances le présent accord aux fins d'adhésion dans le plus bref délai.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière le 1^{er} février 1922.

**NO. 12. RESOLUTION REGARDING
THE CHINESE EASTERN RAIL-
WAY, APPROVED BY ALL THE
POWERS INCLUDING CHINA.**

Resolved, that the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property.

That the subject should immediately be dealt with through the proper Diplomatic channels.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session February 4th, 1922.

**NO. 13. RESOLUTION REGARDING
THE CHINESE EASTERN RAIL-
WAY, APPROVED BY ALL THE
POWERS OTHER THAN CHINA.**

The Powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or non-performance of the obligations towards the foreign stockholders, bondholders and creditors of the Chinese Eastern Railway Company which the Powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which

**NO. 12. RÉOLUTION CONCERNANT
LE CHEMIN DE FER DE L'EST
CHINOIS APPROUVÉE PAR LES
PUISSANCES Y COMPRIS LA
CHINE.**

Il est convenu: Que, dans le but de préserver les droits de tous les intéressés dans le Chemin de Fer de l'Est Chinois, il est nécessaire d'assurer une meilleure protection dudit chemin de fer et des personnes qui y sont employées ou qui en font usage; de choisir plus soigneusement le personnel afin d'obtenir un meilleur rendement du service; d'assurer un emploi plus économique des fonds pour prévenir le gaspillage;

Que cette question devrait être traitée sans retard par la voie diplomatique appropriée.

Adoptée par la Conférence de la Limitation des Armements à la cinquième séance plénière le 1^{er} février 1922.

**NO. 13. RÉOLUTION CONCERNANT
LE CHEMIN DE FER DE L'EST
CHINOIS APPROUVÉE PAR LES
PUISSANCES AUTRES QUE LA
CHINE.**

Les Puissances autres que la Chine, en adoptant la Résolution relative au Chemin de Fer de l'Est Chinois, se réservent le droit d'insister ultérieurement sur la responsabilité de la Chine en ce qui touche l'exécution ou la non-exécution des obligations envers les actionnaires, porteurs de titres et autres créanciers étrangers de la Société du Chemin de Fer de l'Est Chinois, obligations que les Puissances estiment résulter des contrats sous lesquels le chemin de fer a été construit, ainsi que des actes de la Chine qui en sont résultés et

they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4th, 1922.

que lesdites Puissances considèrent comme ayant le caractère d'une garde morale résultant de la mainmise par le Gouvernement chinois sur la possession et l'administration dudit chemin de fer.

Adoptée par la Conférence de la Limitation des Armements à la quatrième séance plénière le 4 février 1922.

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